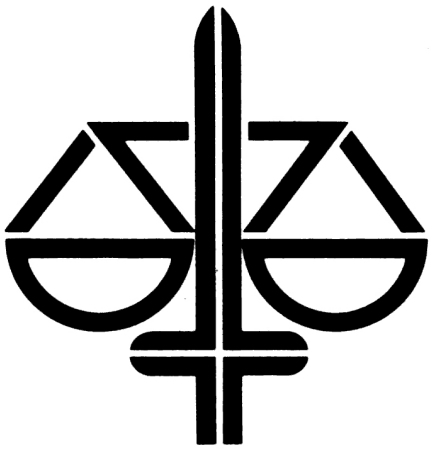
N. Mario Cerutti

NEUTRALITY



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Preface

The significance of artificial intelligence (AI) in legal science is already profound and growing rapidly. As an experiment, the text in this document was generated by AI. The blue headings represent the questions asked (prompts), followed by AI-generated responses. The wording of the AI-generated text in this publication has not been altered.

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0-1 Significance of AI in Legal Science

Artificial intelligence (AI) holds significant transformative potential for legal science, impacting its practical, academic, and theoretical dimensions. Here's a detailed overview of how AI influences legal science:

1. Practical Applications

Efficiency and Productivity

- Document Review and Analysis: AI can quickly and accurately review large volumes of legal documents, contracts, and case files, identifying relevant information and reducing the time spent on these tasks.
- Legal Research: AI-powered tools can perform comprehensive legal research, searching through databases and legal precedents faster and more accurately than traditional methods.

Predictive Analytics

- Case Outcome Predictions: AI can analyze historical case data to predict the outcomes of current legal cases, helping lawyers strategize and make informed decisions.
- Risk Assessment: AI can evaluate the risk associated with litigation or transactions by identifying potential legal issues and predicting their impact.

Automation of Routine Tasks

- Contract Drafting and Review: AI can automate the drafting and review of contracts, ensuring they are error-free and comply with relevant laws and regulations.
- Compliance Monitoring: AI systems can continuously monitor changes in regulations and ensure that organizations remain compliant with legal requirements.

2. Academic and Educational Impact

Enhanced Learning Tools

- Interactive Learning Platforms: AI can create interactive and adaptive learning platforms, offering personalized educational experiences based on individual student needs and performance.
- Virtual Simulations: AI-driven virtual reality (VR) and augmented reality (AR) tools can simulate real-world legal scenarios, such as courtroom procedures and negotiations, providing students with practical experience.

Research Capabilities

- Advanced Data Analysis: AI can analyze large datasets, uncovering trends and patterns in legal decisions and statutes. This capability enables more robust empirical research.
- Legal Writing Assistance: AI tools can help students and researchers draft, edit, and proofread legal documents, ensuring they meet academic and professional standards.

3. Theoretical and Philosophical Contributions

Empirical Legal Studies

- Data-Driven Insights: AI allows for the analysis of large volumes of legal data, providing empirical evidence to support or challenge existing legal theories and doctrines.
- Simulation of Legal Systems: AI can simulate the impact of different legal rules and principles, helping theorists understand their practical implications and refine their ideas.

Ethical and Normative Questions

- AI in Legal Decision-Making: The integration of AI into the legal system raises important ethical questions about the role of human judgment, the potential for bias in AI systems, and the accountability of AI-driven decisions.
- Regulatory Frameworks: Legal scholars must consider how to regulate AI, ensuring it is used ethically and effectively within the legal system.

4. Access to Justice

Legal Aid and Public Resources

- AI-Powered Legal Assistance: AI can provide basic legal advice and information to individuals who cannot afford traditional legal services, promoting greater access to justice.
- Public Legal Education: AI tools can create educational resources to help the public understand their legal rights and responsibilities, contributing to legal empowerment and literacy.

5. Interdisciplinary Research and Collaboration

Bridging Disciplines

- Law and Technology: AI encourages interdisciplinary research, bringing together insights from law, computer science, ethics, and social sciences to address complex legal challenges.

- Collaborative Platforms: AI can facilitate collaboration among researchers by organizing and sharing information, identifying relevant literature, and suggesting connections between different areas of study.

Conclusion

The significance of artificial intelligence in legal science is profound, offering advancements in efficiency, research capabilities, educational tools, theoretical analysis, and access to justice. As AI continues to evolve, its impact on legal science will likely expand, presenting both opportunities and challenges for legal professionals, educators, and scholars. The integration of AI into legal science not only enhances practical applications but also prompts deeper exploration of the ethical, philosophical, and theoretical dimensions of law.

Part 1

Aspects of Neutrality

Chapter 1

Nature of Neutrality

1-1 Definition of Neutrality

Neutrality is the status of a state that abstains from participating in an armed conflict between other states and maintains an impartial stance towards the belligerents, adhering to international rules and norms designed to ensure non-involvement in the conflict.

1-11 Impartiality as an Integral Part of Neutrality?

Impartiality is a necessary and integral part of the definition of neutrality, especially in the context of classical neutrality in international law. Neutrality fundamentally implies that a state refrains from taking sides or providing preferential treatment to any of the belligerent parties in a conflict. However, the role of impartiality varies depending on the type of neutrality being practiced.

Why Impartiality is Integral to Neutrality

1. **Classical Neutrality:**
    - Impartiality is codified in international law, such as the Hague Conventions of 1907, which require neutral states to treat all belligerents equally.
    - Neutral states are prohibited from aiding any party militarily, economically (in specific prohibited areas like contraband), or politically while ensuring their territory is not used for hostile purposes.
2. **Legal and Ethical Foundation:**
    - Impartiality ensures the credibility and legitimacy of a neutral state, both in legal terms and in the eyes of the international community.
3. **Protects Neutrality's Core Principles:**
    - Neutrality without impartiality risks undermining its purpose, as favoritism toward one belligerent could escalate conflict or provoke retaliation.

Exceptions or Variations

While impartiality is core to classical neutrality, its role changes in other forms of neutrality:

1. **Benevolent Neutrality:**
    - Impartiality is compromised, as the neutral state may provide indirect or non-military support to one side.
    - Example: The United States during the early stages of World War II, when it supported the Allies under the Lend-Lease Act.

2. **Positive Neutrality:**
    - Impartiality takes on a broader meaning, where the neutral state actively promotes peace and humanitarian efforts without favoring any side militarily.
    - Example: Switzerland's humanitarian assistance during global conflicts.
3. **Non-Belligerency:**
    - Impartiality is not strictly required, as the state may support one side politically or economically while abstaining from direct military involvement.

Contemporary Challenges to Impartiality

Modern global dynamics pose challenges to the traditional concept of impartiality:

- **Economic Sanctions:** Neutral states may face pressure to impose sanctions on one party, which could be seen as a violation of impartiality.
- **Asymmetric Warfare:** Conflicts involving non-state actors and terrorism complicate the application of impartiality.
- **Global Interdependence:** Trade, technology, and economic ties often make it difficult for states to remain entirely impartial in global conflicts.

Conclusion

Impartiality is a cornerstone of classical neutrality and is essential for a state to fulfill its legal and moral obligations under international law. However, in evolving forms of neutrality like benevolent neutrality or positive neutrality, impartiality may be relaxed or redefined. The degree of impartiality required depends on the specific type of neutrality being practiced and the geopolitical context in which it is applied.

1-2 Historical Development of Neutrality

The concept of neutrality in international law has evolved significantly over time, shaped by changing geopolitical realities and legal norms. Below is a historical overview of the development of neutrality in international law:

1. Early Foundations of Neutrality

Ancient and Medieval Periods:

- In ancient civilizations (e.g., Greece, Rome), neutrality was not a formally recognized concept but was often practiced informally by states avoiding involvement in conflicts.

- During the medieval period, neutrality became associated with religious and moral principles, such as the Catholic Church's role in arbitrating disputes during the Crusades.

Key Characteristics:

- Neutrality was primarily a practical strategy rather than a legal status.
- There were no codified rules governing neutral behavior.

2. Emergence of Neutrality as a Legal Concept (17th–18th Century)

The Peace of Westphalia (1648):

- Marked the beginning of the modern state system and the principle of sovereignty.
- Neutrality began to be seen as a legitimate status for states wishing to abstain from war.

18th Century Treaties and Practices:

- Maritime neutrality emerged as a significant issue, particularly concerning trade and navigation during wartime.
- The concept of "freedom of the seas" became closely linked to neutrality.
- The League of Armed Neutrality (1780, 1800) led by Russia aimed to protect neutral shipping against British and French interference during their conflicts.

Key Developments:

- Neutrality began to be recognized as a legal status with certain rights and duties.
- Emphasis on impartiality and the protection of neutral commerce.

3. Codification and Expansion in the 19th Century

Vienna Congress (1815):

- Switzerland's perpetual neutrality was formally recognized, setting a precedent for codified neutrality in international law.
- Neutrality became a tool for maintaining the balance of power in Europe.

Paris Declaration Respecting Maritime Law (1856):

- Clarified the rights of neutral states during maritime warfare, including the abolition of privateering and protection of neutral goods.

Hague Conventions (1899, 1907):

- Codified the rights and duties of neutral states and individuals during land and maritime warfare.
- Established rules for neutral territory, including the prohibition of belligerent actions on neutral land.

Key Characteristics:

- Neutrality became a well-defined legal framework.

- Emphasis on impartiality and abstention from conflict.

4. Challenges and Adaptations in the 20th Century

World War I (1914–1918):

- Neutrality faced challenges due to the global nature of warfare and economic interdependence.
- U.S. neutrality was tested by German submarine warfare, leading to its eventual entry into the war in 1917.

World War II (1939–1945):

- Neutrality was further strained as belligerents pressured neutral states (e.g., occupation of Belgium and Norway).
- Economic and ideological factors (e.g., trade with belligerents, Axis vs. Allies alignment) complicated neutrality.

United Nations Charter (1945):

- Established collective security, challenging the relevance of neutrality.
- Article 51 (self-defense) and Article 2(4) (prohibition of force) reshaped the context for neutrality.

Cold War Era (1947–1991):

- Non-alignment emerged as a form of modern neutrality, particularly for newly independent states in Asia, Africa, and Latin America.
- The Non-Aligned Movement (NAM) promoted independence from the Cold War power blocs (NATO and the Warsaw Pact).

Key Characteristics:

- Neutrality adapted to address global conflicts and economic interdependence.
- Tensions between neutrality and collective security frameworks.

5. Contemporary Neutrality (Post-1991)

Post-Cold War Period:

- Neutrality remained relevant for certain states (e.g., Switzerland, Austria, Finland, Sweden) as part of their foreign policy identity.
- Neutrality became more associated with peacebuilding, mediation, and humanitarian efforts.

European Integration:

- Neutrality was redefined for EU member states like Austria and Ireland, balancing commitments to EU policies with traditional neutrality.

Modern Challenges:

- The rise of asymmetric warfare and terrorism complicates the application of traditional neutrality principles.
- Cyber warfare and economic sanctions raise new questions about the scope of neutrality.

Key Characteristics:

- Focus on positive neutrality, peace diplomacy, and humanitarian roles.
- Neutrality remains a flexible concept shaped by state interests and international norms.

Summary of Historical Trends

1. **Early Neutrality:** Informal and practical; lacked legal codification.
2. **17th–18th Century:** Neutrality gained recognition as a legal status tied to sovereignty and maritime law.
3. **19th Century:** Codification of neutrality principles in treaties and conventions.
4. **20th Century:** Challenges from global wars, collective security frameworks, and non-alignment movements.
5. **21st Century:** Neutrality redefined for modern conflicts, emphasizing diplomacy and humanitarianism.

Neutrality in international law has thus evolved from a strategic abstention to a complex, multifaceted legal and political tool, adapting to the demands of each historical era.

1-3 Types of Neutrality

Here's a historical overview of the main types of neutrality recognized in international law, along with their definitions, characteristics, distinguishing features, and examples.

1. Classical Neutrality

Definition:

The state of abstaining from participation in armed conflicts between other states, while maintaining impartiality toward the belligerents.

Characteristics:

- Recognized as a legal status under international law.
- The neutral state must not provide military assistance to any party in the conflict.

- Neutrality obligations and rights were codified in international treaties, such as the Hague Conventions of 1907.

Distinguishing Features:

- Requires strict impartiality toward belligerents.
- Prohibits neutral states from allowing their territory to be used for hostile purposes.

Examples:

- Switzerland during both World War I and World War II.
- Sweden in the Napoleonic Wars after 1812.

2. Armed Neutrality

Definition:

Neutrality maintained by a state that arms itself to defend its neutrality against violations by belligerents.

Characteristics:

- Involves maintaining a credible military force to deter aggression or encroachment.
- Not passive; emphasizes active defense of neutrality.

Distinguishing Features:

- Signals a willingness to use force in defense of neutral rights.
- Often arises in maritime contexts to protect shipping from belligerent interference.

Examples:

- The League of Armed Neutrality (1780–1783) led by Russia, Sweden, and Denmark during the American Revolutionary War.
- Sweden's stance during World War II, ensuring control over its territorial waters.

3. Benevolent Neutrality

Definition:

A situation where a neutral state exhibits a preference for one belligerent without directly engaging in the conflict.

Characteristics:

- Can involve granting non-military support or economic advantages to one side.
- Blurs the line between neutrality and alignment.

Distinguishing Features:

- Maintains formal neutrality but with clear indirect favoritism.
- Can lead to tensions or accusations of partiality.

Examples:

- U.S. neutrality before entering World War I, favoring the Allies through economic and material support (e.g., Lend-Lease Act).

- Portugal's assistance to Britain during the Napoleonic Wars while maintaining formal neutrality.

4. Perpetual Neutrality

Definition:

A state declares and maintains neutrality as a permanent feature of its foreign policy, often codified in treaties or constitutions.

Characteristics:

- The state refrains from joining military alliances or participating in wars.
- Internationally recognized and often guaranteed by other states.

Distinguishing Features:

- More enduring than temporary neutrality during a specific conflict.
- Often involves demilitarization of certain territories.

Examples:

- Switzerland, whose perpetual neutrality was recognized in the Treaty of Paris (1815).
- Austria after World War II, declared in its 1955 State Treaty.

5. Neutralized States

Definition:

A state that is permanently neutral due to international agreements or external guarantees.

Characteristics:

- Neutrality is imposed or agreed upon by international consensus.
- Often involves restrictions on military alliances and troop deployment.

Distinguishing Features:

- May rely on external guarantees for enforcement.
- Limited ability to independently alter neutral status.

Examples:

- Belgium after the Treaty of London (1839), though violated in 1914 by Germany.
- Luxembourg under the Treaty of London (1867).

6. Non-Belligerency

Definition:

A state refrains from direct involvement in hostilities but does not adopt the full status of neutrality under international law.

Characteristics:

- Allows limited cooperation with one or more belligerents without formally joining the conflict.

- Not bound by traditional neutrality obligations.

Distinguishing Features:

- Less rigid than neutrality; permits greater flexibility in relations with warring states.
- Can involve providing material support or other assistance.

Examples:

- Italy's initial position in World War II (1939–1940) before joining the Axis.
- Spain during World War II, where it provided support to the Axis but avoided open conflict.

7. Positive Neutrality

Definition:

Neutrality combined with active efforts to mediate conflicts and promote peace.

Characteristics:

- Encourages active diplomacy to resolve disputes between belligerents.
- May involve humanitarian assistance or peacebuilding efforts.

Distinguishing Features:

- Focuses on conflict resolution rather than passive non-involvement.
- Often associated with international organizations or non-aligned movements.

Examples:

- Sweden's active role in peace negotiations during the Cold War.
- Switzerland’s efforts in hosting peace talks, such as the Geneva Accords.

8. Non-Alignment

Definition:

A state’s policy of not formally aligning with any major power blocs, especially during the Cold War.

Characteristics:

- Involves avoiding military alliances like NATO or the Warsaw Pact.
- Focuses on maintaining sovereignty and independence in foreign policy.

Distinguishing Features:

- Broader than classical neutrality; not limited to wartime scenarios.
- Often linked to the Non-Aligned Movement (NAM), established in 1961.

Examples:

- India and Yugoslavia during the Cold War.
- Finland’s "Finlandization" policy during the Cold War, balancing relations between the West and the Soviet Union.

This progression reflects how neutrality has evolved from strict legal frameworks to more flexible, politically nuanced stances. Each type reflects the historical and geopolitical context of its time, shaped by shifting norms of sovereignty and international relations.

1-31 Classical Neutrality

Definition

Classical neutrality refers to the legal status of a state that abstains from participating in armed conflicts between other states while maintaining strict impartiality toward the belligerents. It is governed by international law, particularly as codified in treaties such as the Hague Conventions of 1907.

Characteristics

1. **Abstention from Conflict:**
    - Neutral states do not participate militarily in the conflict of belligerent states.
2. **Impartiality:**
    - Neutral states must treat all belligerents equally, refraining from providing military or material support to any side.
3. **Neutral Rights:**
    - Neutral states have the right to continue their economic activities and trade as long as they do not favor one belligerent over another or involve contraband goods.
4. **Neutral Duties:**
    - Neutral states must prevent their territory from being used for military purposes by any belligerent.
    - Neutral states must ensure that their citizens do not engage in activities that compromise neutrality (e.g., enlisting in foreign armies).
5. **Codification:**
    - The Hague Conventions (1899 and 1907) provided comprehensive rules for neutrality in both land and maritime warfare.

Distinguishing Features

- **Strict Legal Obligations:** Classical neutrality is codified in international law, making it more rigid and formal than other types of neutrality.
- **Non-Aggression:** Neutral states must refrain from any acts that could be perceived as aggression toward any belligerent.

- **Time-Specific:** Classical neutrality applies specifically during wartime, distinguishing it from perpetual or armed neutrality.

Advantages

1. **Preservation of Sovereignty:**
    - Neutrality allows a state to avoid the destruction and political consequences of war.
2. **Economic Continuity:**
    - By abstaining from war, neutral states can maintain trade and economic stability, albeit within the restrictions of neutrality laws.
3. **Humanitarian Image:**
    - Neutrality enhances a state's reputation as a peaceful and impartial actor in international relations.
4. **Avoidance of Alliances:**
    - Neutrality reduces entanglement in military alliances that could lead to future conflicts.

Disadvantages

1. **Limited Influence:**
    - Neutral states may lack leverage in shaping post-conflict political outcomes, as they remain outside alliances and coalitions.
2. **Economic Vulnerabilities:**
    - Neutral trade may be restricted by belligerent states through blockades or sanctions, especially concerning contraband goods.
3. **Security Risks:**
    - Neutrality does not guarantee immunity from invasion or pressure from belligerents, as seen in cases like Belgium in World War I.
4. **Dependence on International Recognition:**
    - Neutrality requires belligerents to respect the neutral state's status, which is not always guaranteed.

Real-World Examples

1. **Switzerland (World War I and II):**
    - Maintained neutrality and became a hub for humanitarian efforts.
    - Strictly enforced its neutrality by mobilizing its army and prohibiting military activity within its borders.

2. **Sweden (Napoleonic Wars after 1812):**
    - Declared neutrality after losing Finland to Russia, focusing on rebuilding its economy and avoiding further conflict.
3. **Belgium (World War I):**
    - Declared neutrality under the Treaty of London (1839), but Germany violated this neutrality in 1914, leading to British intervention.
4. **The Netherlands (World War I):**
    - Successfully maintained neutrality by balancing trade and diplomacy while avoiding entanglement in military alliances.

Outlook of Classical Neutrality in the Contemporary World

1. **Reduced Relevance:**
    - The rise of collective security frameworks (e.g., the United Nations, NATO) has diminished the strict application of classical neutrality.
    - Global interdependence and economic sanctions as tools of modern warfare complicate the impartiality required for classical neutrality.
2. **Humanitarian Focus:**
    - Neutrality is increasingly associated with mediation, peacebuilding, and humanitarian roles rather than strict abstention from conflict.
3. **Legal Challenges:**
    - The asymmetrical nature of modern conflicts (e.g., terrorism, cyber warfare) makes it difficult to apply traditional neutrality laws.
4. **Persistence in Certain States:**
    - Countries like Switzerland, Austria, and Ireland continue to adhere to principles of neutrality, though often modified for contemporary needs.

Other Names for Classical Neutrality

1. Traditional Neutrality
2. Legal Neutrality
3. Strict Neutrality

Conclusion

Classical neutrality, as codified in international law, has played a significant role in maintaining peace and sovereignty for states avoiding participation in conflicts. However, its rigid framework is increasingly challenged by the complexities of modern international relations, making it less central but still relevant in specific contexts, especially for states with a long history of neutrality.

1-32 Armed Neutrality

Definition

Armed neutrality refers to the status of a state that remains neutral in a conflict but maintains and is prepared to use military forces to defend its neutrality and sovereignty if violated. It emphasizes a state's proactive readiness to enforce its neutral status against encroachments by belligerents.

Characteristics

1. **Neutrality with Preparedness:**
    - The state does not take sides in a conflict but arms itself to prevent violations of its territory or rights by belligerents.
2. **Deterrence-Oriented:**
    - The presence of a credible military force acts as a deterrent to potential aggressors.
3. **Defensive Posture:**
    - Armed neutrality is defensive in nature; it does not involve aggressive actions unless provoked.
4. **Maritime Context:**
    - Historically significant in protecting neutral shipping rights during naval conflicts.
5. **Legal Basis:**
    - The Hague Conventions (1907) provide some provisions related to the duties of neutral states, but armed neutrality is primarily a strategic interpretation of neutrality.

Distinguishing Features

1. **Proactive Approach:**
    - Unlike classical neutrality, armed neutrality involves active measures (e.g., maintaining a strong military, patrolling borders) to enforce neutrality.
2. **Focus on Defense of Neutral Rights:**
    - Prioritizes the defense of territorial integrity and maritime trade routes.
3. **Symbol of Sovereignty:**
    - Demonstrates a state's commitment to its sovereignty and independence.
4. **Historical Use in Maritime Law:**
    - Frequently associated with coalitions to protect neutral shipping during wars (e.g., the League of Armed Neutrality).

Advantages

1. **Preservation of Sovereignty:**
    - Ensures a state can defend its territory and maintain its independence.
2. **Deterrence of Aggression:**
    - A well-armed neutral state is less likely to be violated by belligerents, reducing the risk of forced involvement in the conflict.
3. **Protection of Trade and Economy:**
    - Helps secure trade routes and prevent economic disruptions caused by belligerent interference.
4. **Reinforces Neutral Credibility:**
    - Demonstrates a commitment to neutrality by showing readiness to uphold it through force if necessary.

Disadvantages

1. **High Costs:**
    - Maintaining an armed and ready military can be financially burdensome for smaller states.
2. **Potential for Misunderstanding:**
    - The presence of armed forces may be interpreted as provocative or threatening by belligerents.
3. **Limited Guarantee of Respect:**
    - Armed neutrality does not guarantee that belligerents will respect a state's neutral status, especially during large-scale conflicts.
4. **Strategic Vulnerability:**
    - A neutral state may still be drawn into a conflict if its deterrence measures fail or are misjudged.

Real-World Examples

1. **The League of Armed Neutrality (1780–1783, 1800–1801):**
    - Formed by Russia, Sweden, Denmark, and other states to protect neutral shipping against British and French interference during their conflicts.
    - Demonstrated a collective approach to armed neutrality in maritime contexts.
2. **Sweden and Switzerland (World War II):**
    - Both states maintained armed neutrality by mobilizing their armed forces to defend their borders and deter invasion while abstaining from active participation in the war.

3. **Finland (Cold War Period):**
    - Practiced armed neutrality while balancing relations with the Soviet Union and Western powers.
4. **Ireland (World War II):**
    - Declared neutrality but maintained armed forces to ensure territorial integrity and sovereignty.

Outlook of Armed Neutrality in the Contemporary World

1. **Relevance in Regional Conflicts:**
    - Armed neutrality remains a viable strategy for states seeking to assert sovereignty while avoiding alliances or direct involvement in conflicts.
2. **Application in Cybersecurity:**
    - The concept of armed neutrality could extend to cyber defense, where states maintain defensive capabilities to protect against cyberattacks while remaining neutral in global disputes.
3. **Challenges from Modern Warfare:**
    - Asymmetric warfare, terrorism, and economic sanctions complicate the traditional model of armed neutrality.
4. **Example of Switzerland:**
    - Continues to practice a form of armed neutrality by maintaining a strong military for defense without joining military alliances like NATO.
5. **European Neutral States:**
    - Austria, Sweden, and Finland have adjusted their neutral stances to cooperate with the European Union's security policies while retaining a degree of neutrality.

Other Names for Armed Neutrality

1. Defensive Neutrality
2. Militarized Neutrality
3. Proactive Neutrality

Conclusion

Armed neutrality remains an important concept in international law and statecraft, offering a balance between abstention from conflict and the defense of sovereignty. While its relevance has evolved, especially in the context of modern conflicts and security challenges, it continues to serve as a pragmatic approach for states seeking to maintain independence

and avoid entanglement in wars. Its enduring application demonstrates its flexibility and importance in protecting neutral states from external pressures.

1-33 Benevolent Neutrality

Definition

Benevolent neutrality refers to a state's formal declaration of neutrality in an armed conflict while offering indirect support or favor to one of the belligerent parties. This type of neutrality strays from the strict impartiality expected under classical neutrality but stops short of direct military involvement.

Characteristics

1. **Declared Neutrality:**
    - The state maintains a formal stance of neutrality, refraining from military involvement in the conflict.
2. **Indirect Support:**
    - The neutral state provides non-military assistance, such as economic aid, logistical support, or diplomatic backing, to one or more parties in the conflict.
3. **Selective Favoritism:**
    - Benevolent neutrality often involves favoring one side based on shared political, ideological, or economic interests.
4. **Legal Ambiguity:**
    - This type of neutrality may raise questions about the violation of international law if impartiality is compromised.

Distinguishing Features

1. **Formal Neutrality with Favoritism:**
    - Unlike strict neutrality, benevolent neutrality is characterized by subtle or open favoritism toward a belligerent party.
2. **Non-Military Involvement:**
    - Assistance does not include direct participation in hostilities but may involve financial aid, trade privileges, or diplomatic support.
3. **Flexibility:**
    - Benevolent neutrality provides room for states to balance their national interests with the principles of neutrality.

4. **Perception Matters:**
    - The extent of favoritism often depends on how other states perceive the neutral state's actions.

Advantages

1. **Diplomatic Leverage:**
    - The state can maintain formal neutrality while strengthening relations with a favored belligerent.
2. **Economic Benefits:**
    - Trade agreements or financial arrangements with one side can benefit the neutral state’s economy.
3. **Moral or Ideological Alignment:**
    - Benevolent neutrality allows a state to align its policies with ideological or ethical preferences without full military commitment.
4. **Conflict Avoidance:**
    - By avoiding direct involvement, the neutral state minimizes the risk of becoming a target of hostilities.

Disadvantages

1. **Erosion of Neutrality Credibility:**
    - Favoritism can damage the state’s reputation as an impartial actor in international relations.
2. **Potential Retaliation:**
    - The opposing belligerent may view benevolent neutrality as indirect hostility and retaliate through sanctions or other measures.
3. **Legal and Political Risks:**
    - Benevolent neutrality can blur the lines of international law, leading to disputes over whether the state has violated neutrality principles.
4. **Loss of Long-Term Trust:**
    - Future neutrality stances may be questioned if a state is perceived as biased during past conflicts.

Real-World Examples

1. **United States Pre-World War I (1914–1917):**
    - Officially neutral but provided material support and loans to the Allied Powers, which Germany viewed as favoritism.
    - The U.S. later abandoned neutrality and joined the Allies in 1917.

2. **Portugal During the Napoleonic Wars:**
    - Maintained formal neutrality but secretly assisted Britain by granting access to ports and supplies, leading to tensions with France.
3. **Spain During World War II:**
    - Declared Neutrality But Provided Indirect Support To Axis Powers By Sending The Blue Division To Fight On The Eastern Front And Supplying Resources Like Tungsten.
4. **Cold War Era Neutrality:**
    - Some neutral states favored one bloc (e.g., economic or political alignment) while avoiding direct military involvement in the East-West confrontation.

Outlook of Benevolent Neutrality in the Contemporary World

1. **Increased Relevance in Proxy Conflicts:**
    - In modern conflicts, where indirect engagement is common (e.g., through sanctions, arms supplies, or economic aid), benevolent neutrality remains a practical option for states balancing their interests.
2. **Challenges with Perception:**
    - In an era of globalized media and transparency, actions taken under benevolent neutrality are more easily scrutinized, making it harder to maintain the appearance of impartiality.
3. **Application in Humanitarian Contexts:**
    - States can adopt benevolent neutrality by providing humanitarian aid to one side in a conflict without directly supporting military operations.
4. **Sanctions and Non-Military Aid:**
    - Economic sanctions or preferential trade agreements with one side of a conflict are contemporary forms of benevolent neutrality.
5. **Case Study – Gulf States:**
    - Some Gulf states have adopted policies resembling benevolent neutrality by formally staying out of conflicts while providing support to one side through arms deals or funding.

Other Names for Benevolent Neutrality

1. Partial Neutrality
2. Biased Neutrality
3. Supportive Neutrality
4. Conditional Neutrality

Conclusion

Benevolent neutrality provides states with a strategic middle ground between full neutrality and outright involvement in conflicts. While it offers advantages in terms of aligning with favored parties and avoiding direct hostilities, it poses challenges to international legal principles and perceptions of impartiality. In today's interconnected world, its role is expanding in proxy wars and diplomatic efforts, though states must carefully manage the risks associated with perceived favoritism.

1-34 Perpetual Neutrality

Definition

Perpetual neutrality refers to a state's long-term or permanent commitment to remain neutral in international conflicts, formalized through treaties, constitutional provisions, or international recognition. It involves abstaining from military alliances, avoiding participation in wars, and often demilitarizing certain territories to reinforce neutrality.

Characteristics

1. **Legally Binding Commitment:**
    - Perpetual neutrality is often codified in a state's constitution or guaranteed by international treaties.
2. **Non-Participation in Conflicts:**
    - The state abstains from participating in armed conflicts and refrains from joining military alliances.
3. **Recognition by Other States:**
    - Perpetual neutrality usually requires acknowledgment and respect by other states to ensure its effectiveness.
4. **Demilitarization:**
    - In some cases, perpetual neutrality involves restrictions on military presence or activities within the state's borders.
5. **Emphasis on Sovereignty:**
    - Neutrality is a means of preserving the state's sovereignty and avoiding entanglement in external disputes.

Distinguishing Features

1. **Permanence:**
    - Unlike temporary or situational neutrality, perpetual neutrality is designed to last indefinitely.

2. **Treaty-Based or Constitutional Basis:**
    - Its legal status is established through formal agreements or national legal frameworks.
3. **Obligations Beyond Wartime:**
    - Perpetual neutrality shapes a state's peacetime foreign policy by limiting alliances and military engagements.
4. **Independent Enforcement:**
    - While other states may guarantee perpetual neutrality, the neutral state is responsible for maintaining and defending its status.

Advantages

1. **Preservation of Peace:**
    - Perpetual neutrality reduces the risk of involvement in wars, contributing to national stability and peace.
2. **Sovereignty Protection:**
    - By remaining neutral, a state avoids dependence on larger powers or military blocs.
3. **Global Trust and Mediation Role:**
    - Neutral states often gain a reputation as impartial mediators in international disputes, enhancing their diplomatic influence.
4. **Economic Stability:**
    - Neutrality fosters uninterrupted trade and investment opportunities by avoiding the disruptions of war.
5. **Legal Protection:**
    - Other states are obligated to respect the neutral state's sovereignty under international law.

Disadvantages

1. **Dependence on International Respect:**
    - Perpetual neutrality relies on other states upholding their commitment to respect the neutral status, which is not always guaranteed.
2. **Limited Defensive Alliances:**
    - The state cannot form military alliances, potentially leaving it vulnerable to aggression.
3. **Economic and Security Constraints:**
    - Perpetual neutrality may restrict arms trade, military development, or participation in collective security arrangements.

4. **Perception of Isolation:**
    - Neutral states may be perceived as isolated or uninvolved in addressing global challenges.
5. **Challenges with Modern Threats:**
    - Perpetual neutrality struggles to address unconventional threats like terrorism, cyber warfare, or economic sanctions.

Real-World Examples

1. **Switzerland:**
    - Recognized as perpetually neutral by the Treaty of Paris (1815), Switzerland has abstained from wars for over two centuries.
    - Swiss neutrality involves self-defense capabilities and hosting international organizations and peace negotiations.
2. **Austria:**
    - Declared perpetual neutrality in 1955 as part of the State Treaty ending post-WWII occupation. The Austrian Constitution enshrines neutrality, prohibiting participation in military alliances.
3. **Belgium (Historical):**
    - Declared neutral by the Treaty of London (1839), though its neutrality was violated by Germany in both World Wars.
4. **Luxembourg:**
    - Declared perpetual neutrality under the Treaty of London (1867), though it was later occupied during both World Wars.

Outlook of Perpetual Neutrality in the Contemporary World

1. **Relevance in Modern Diplomacy:**
    - Neutral states like Switzerland and Austria continue to play critical roles in mediation, peacebuilding, and hosting international organizations (e.g., the United Nations, Red Cross).
2. **Challenges from Globalized Conflicts:**
    - Non-traditional threats like terrorism, cyberattacks, and economic sanctions challenge the traditional scope of perpetual neutrality.
3. **Adaptation to Regional Cooperation:**
    - Neutral states in the European Union, like Austria and Ireland, balance neutrality with participation in EU security policies, often focusing on humanitarian missions and conflict prevention.

4. **Potential for New Neutral States:**
    - Emerging states or regions may consider perpetual neutrality as a strategy for sovereignty and stability in volatile regions.
5. **Global Respect for Neutrality:**
    - The effectiveness of perpetual neutrality remains contingent on the respect and recognition of larger powers, which can be strained in an era of geopolitical rivalries.

Other Names for Perpetual Neutrality

1. Permanent Neutrality
2. Neutralized Statehood
3. Constitutional Neutrality
4. Guaranteed Neutrality
5. Enduring Neutrality

Conclusion

Perpetual neutrality is a longstanding concept in international law that offers states a pathway to peace and stability by avoiding entanglement in conflicts. While its effectiveness depends on international recognition and respect, it remains a viable option for states prioritizing sovereignty, diplomacy, and economic stability. However, the rise of unconventional threats and global interdependence poses significant challenges to the traditional framework of perpetual neutrality, necessitating adaptation to contemporary realities.

1-341 Perpetual Neutrality and Permanent Neutrality

The terms perpetual neutrality and permanent neutrality are closely related, but they can carry slightly different connotations depending on the context in which they are used. Here's a breakdown:

1. Perpetual Neutrality

- **Definition**: Refers to a neutrality status that is intended to last indefinitely, as agreed upon by international treaties or agreements. It emphasizes the *ongoing nature* of neutrality as a legal or diplomatic commitment.
- **Legal Basis**: Typically established through treaties that bind the neutral country and other states to recognize and respect this neutrality over time.

- **Example**: Switzerland's neutrality is often described as perpetual because it was recognized by international treaties (e.g., the Congress of Vienna in 1815) as a continuing state of non-involvement in armed conflicts.
- **Emphasis**: Focuses on neutrality as a formal and recognized international status that continues until legally altered by international agreement.

2. Permanent Neutrality

- **Definition**: Implies a neutrality status that is deeply ingrained in the constitution or foundational principles of a nation, signifying a permanent commitment to neutrality.
- **Legal Basis**: Often enshrined in a country's constitution or fundamental laws, rather than just being the result of treaties.
- **Example**: Austria's neutrality is described as permanent because it is a constitutional principle (adopted in 1955) that defines the state's foreign policy identity.
- **Emphasis**: Focuses on neutrality as a **core principle of national identity**, legally embedded within the country's domestic framework.

Key Differences

Aspect	Perpetual Neutrality	Permanent Neutrality
Primary Basis	Established by international agreements	Rooted in domestic constitutional principles
Scope of Recognition	International (by treaty parties)	Internal (constitution) and international
Flexibility	More dependent on international context	Harder to alter due to constitutional embedding
Examples	Switzerland	Austria

Overlap

In practice, these terms are often used interchangeably because the distinction is nuanced. A country may simultaneously have perpetual neutrality (recognized internationally) and permanent neutrality (enshrined domestically). However, the distinction can become relevant in legal or political discussions.

1-342 Perpetual Neutrality and Temporary Neutrality

Perpetual neutrality and temporary neutrality are two distinct forms of neutrality in international relations, differing in purpose, duration, and legal commitment. Below is a detailed comparison:

1. Definition

- **Perpetual Neutrality**:
  - A long-term and indefinite commitment by a state to remain neutral in all conflicts and avoid military alliances.
  - Often enshrined in international treaties or domestic legal frameworks, making it a core principle of the state's identity.
  - Example: Switzerland, recognized as perpetually neutral since the Treaty of Paris (1815).
- **Temporary Neutrality**:
  - A neutrality stance adopted for a specific period or under certain circumstances, typically during a particular conflict.
  - Not legally binding in the long term and may be abandoned when the situation changes.
  - Example: The United States during the early stages of WWII (1939–1941) under the Neutrality Acts.

2. Duration

- **Perpetual Neutrality**:
  - Indefinite and maintained regardless of changing geopolitical circumstances.
  - Institutionalized in both domestic and international law.
  - Example: Austria's neutrality, established in 1955, is a constitutional principle.
- **Temporary Neutrality**:
  - Limited to the duration of a specific conflict or situation.
  - Reversible and often based on pragmatic or strategic considerations.
  - Example: Spain during WWII, which remained neutral but shifted its stance depending on the war’s developments.

3. Legal Basis

- **Perpetual Neutrality**:
  - Enshrined in a country's constitution or formal treaties, often with international recognition and guarantees.

- Example: Switzerland's perpetual neutrality is recognized in international law.
- **Temporary Neutrality**:
  - May or may not have a legal framework and is often a declaration or policy decision rather than a binding commitment.
  - It is not internationally guaranteed in the same way as perpetual neutrality.

4. Obligations

- **Perpetual Neutrality**:
  - Requires the state to:
    - Avoid alliances or participation in military conflicts.
    - Refuse to host foreign military bases or troops.
    - Maintain a defensive military posture.
  - Long-term consistency is necessary to maintain credibility.
- **Temporary Neutrality**:
  - Obligations are limited to the specific conflict or period during which neutrality is declared.
  - States can still shift to alignment or involvement if circumstances change.

5. Purpose

- **Perpetual Neutrality**:
  - To promote long-term peace, stability, and independence.
  - Acts as a core aspect of the state's foreign policy and national identity.
  - Example: Switzerland uses its neutrality to act as a mediator in international conflicts.
- **Temporary Neutrality**:
  - A pragmatic decision to avoid immediate involvement in a conflict.
  - Often used to protect national interests or buy time to strengthen defense capabilities.
  - Example: U.S. neutrality in the early stages of WWII allowed it to prepare for potential entry into the war.

6. International Recognition

- **Perpetual Neutrality**:
  - Recognized and respected by the international community through treaties and agreements.
  - Often includes security guarantees from other states.
  - Example: The Congress of Vienna (1815) formalized Switzerland’s neutrality.

- **Temporary Neutrality**:
    - Recognition is typically informal and specific to the context of a conflict.
    - Belligerent states may view it as a temporary policy rather than a binding commitment.

7. Examples

- **Perpetual Neutrality**:
    - Switzerland (since 1815).
    - Austria (since 1955).
    - Costa Rica (constitutionally neutral since 1949).
- **Temporary Neutrality**:
    - United States before WWII under the Neutrality Acts.
    - Belgium before WWI (declared neutrality but was invaded by Germany).
    - Spain during WWII.

8. Challenges

- **Perpetual Neutrality**:
    - Maintaining credibility and impartiality in a polarized world.
    - Balancing neutrality with participation in international organizations like the UN.
    - Adapting to modern challenges like cyber warfare and terrorism.
- **Temporary Neutrality**:
    - Risk of being seen as opportunistic or unreliable if neutrality is abandoned.
    - Vulnerability to pressure from belligerent states during conflicts.
    - Short-term policies may lead to inconsistent foreign policy strategies.

Comparison Table

Aspect	Perpetual Neutrality	Temporary Neutrality
Duration	Indefinite, long-term	Limited to a specific conflict or period
Legal Basis	Enshrined in international law or constitution	Often a policy or declaration, not binding
Purpose	Promote long-term peace and stability	Avoid involvement in specific conflicts
Flexibility	Fixed and consistent	Flexible and situational

Aspect	Perpetual Neutrality	Temporary Neutrality
Recognition	Requires international recognition	Context-specific, may not require formal recognition
Examples	Switzerland, Austria	U.S. pre-WWII, Spain in WWII

Conclusion

Perpetual neutrality is a deeply embedded, long-term policy recognized by international law, while temporary neutrality is a situational stance adopted for specific conflicts or periods. Both forms of neutrality serve different purposes and reflect different levels of commitment to non-involvement in international conflicts. The choice between them depends on a state's geopolitical goals, historical context, and strategic needs.

1-35 Neutralization

Definition

Neutralization in international law refers to the legal status of a state, territory, or waterway that is permanently neutralized by an international agreement. Neutralization obliges the designated area or entity to remain neutral in all conflicts and prohibits it from participating in wars or forming military alliances. This status is usually guaranteed and enforced by other states or international organizations.

Characteristics

1. **Treaty-Based Status:**
    - Neutralization is established through formal international treaties or agreements.
2. **Permanent Commitment:**
    - Neutralized entities are committed to neutrality perpetually, regardless of future conflicts.
3. **Prohibition of Military Activities:**
    - Neutralized states or territories cannot host foreign military bases, join military alliances, or engage in armed conflicts.
4. **Guarantees by Other Powers:**
    - The neutral status is typically guaranteed by other states, which pledge to respect and uphold it.

5. **Demilitarization:**
    - In many cases, neutralized areas are partially or fully demilitarized to reinforce neutrality.

Distinguishing Features

1. **Enforced by International Consensus:**
    - Neutralization often requires agreement and guarantees from multiple states or international bodies.
2. **Applicability to Territories and Waterways:**
    - Unlike state neutrality, which applies to entire countries, neutralization can also apply to specific regions, zones, or waterways.
3. **Legal Imposition:**
    - Neutralization can be imposed through treaties rather than being a voluntary declaration by the neutralized entity.
4. **Emphasis on Collective Responsibility:**
    - Other states are involved in ensuring the maintenance of neutralization, distinguishing it from self-declared neutrality.

Advantages

1. **Preservation of Peace:**
    - Neutralization prevents conflicts over strategically important areas by guaranteeing their neutrality.
2. **Protection of Sovereignty:**
    - Neutralized entities are safeguarded against aggression or external interference under international law.
3. **Economic Stability:**
    - Neutralization promotes stability by preventing militarization, making the area more attractive for trade and investment.
4. **Conflict Resolution:**
    - Neutralized territories can act as buffers or mediators in regional disputes.
5. **Legal Clarity:**
    - The treaty-based nature of neutralization provides a clear legal framework for its enforcement.

Disadvantages

1. **Dependence on Guarantees:**
    - The effectiveness of neutralization relies on the willingness and ability of guarantor states to uphold the agreement.
2. **Potential Violations:**
    - Neutralized territories are vulnerable to violations if international respect for their status weakens, as seen in past conflicts.
3. **Constraints on Sovereignty:**
    - Neutralized entities may face restrictions on their foreign policy and defense capabilities.
4. **Limited Adaptability:**
    - Neutralization treaties may not address modern challenges, such as cyber warfare or terrorism.
5. **Risk of Strategic Exploitation:**
    - Powerful states may attempt to manipulate or undermine the neutralized status for their own interests.

Real-World Examples

1. **Switzerland:**
    - Recognized as neutralized under the Treaty of Paris (1815), Switzerland has maintained its status through strict neutrality in conflicts and demilitarization of certain zones.
2. **Belgium (1839–1914):**
    - Declared neutralized under the Treaty of London (1839), but its neutrality was violated by Germany in World War I.
3. **Luxembourg (1867):**
    - Neutralized under the Treaty of London, ensuring its independence and preventing militarization; however, its neutrality was breached during both World Wars.
4. **Suez Canal (1888):**
    - The Convention of Constantinople neutralized the Suez Canal, guaranteeing its open use during both peacetime and wartime.
5. **Corfu Channel (Treaty of Corfu, 1923):**
    - The neutralization of the channel was agreed upon to ensure its free use and prevent conflicts.

Outlook of Neutralization in the Contemporary World

1. **Declining Use:**
    - Neutralization has become less common due to the rise of collective security systems (e.g., the United Nations, NATO) and global interdependence.
2. **Modern Applications:**
    - Neutralization could be revived to manage disputed regions or resources, such as in the Arctic or South China Sea.
3. **Adapting to New Threats:**
    - Neutralization treaties may need to address non-traditional threats like cyber warfare, economic sanctions, and terrorism to remain relevant.
4. **Potential for Conflict Resolution:**
    - Neutralization remains a viable option for stabilizing conflict zones or contested territories, such as in the Middle East or Eastern Europe.
5. **Challenges with Enforcement:**
    - The willingness of guarantor states to uphold neutralization is critical, especially in an era of shifting power dynamics and regional rivalries.

Other Names for Neutralization

1. Internationally Guaranteed Neutrality
2. Permanent Neutralization
3. Imposed Neutrality
4. Neutralized Zone
5. Collective Neutrality

Conclusion

Neutralization in international law provides a framework for maintaining peace and stability in strategically sensitive areas by legally ensuring their neutrality. While it offers significant advantages, such as conflict prevention and sovereignty protection, its effectiveness depends on international respect and adherence to treaties. In the contemporary world, neutralization may play a role in resolving disputes or stabilizing volatile regions, but it must adapt to modern threats and challenges to remain a relevant tool in international relations.

1-36 Non-Belligerency

Definition

Non-belligerency refers to a state's position during a conflict where it does not formally participate as a combatant but also does not maintain full neutrality under international law.

A non-belligerent state avoids direct involvement in hostilities while engaging in selective or conditional support for one or more parties to the conflict.

Characteristics

1. **Abstention from Combat:**
    - The state does not take part in military operations or directly support combatants with troops or weapons.
2. **Selective Engagement:**
    - Non-belligerent states may provide economic, logistical, or political support to one or more belligerents without declaring war.
3. **Flexible Legal Status:**
    - Unlike neutrality, non-belligerency does not impose strict legal obligations on the state regarding impartiality or abstention from certain activities.
4. **Covert or Limited Support:**
    - Non-belligerent actions often include covert operations or indirect support, such as sharing intelligence or offering humanitarian assistance.
5. **Avoidance of Direct Declaration:**
    - Non-belligerent states avoid officially declaring themselves parties to the conflict, aiming to reduce the risk of retaliation.

Distinguishing Features

1. **Intermediate Status:**
    - Non-belligerency falls between neutrality and active participation, allowing a state to navigate complex international relations without full commitment to one side.
2. **No Strict Neutrality Obligations:**
    - Unlike neutral states, non-belligerent states can openly or selectively favor one side.
3. **Implicit Alignment:**
    - Non-belligerency often indicates ideological, economic, or strategic alignment with one party in the conflict, though without formal alliances.
4. **Context-Dependent Behavior:**
    - The scope of non-belligerency is shaped by the state's geopolitical interests, historical relationships, and the nature of the conflict.

Advantages

1. **Strategic Flexibility:**
    - Non-belligerency allows states to adapt their stance to changing geopolitical conditions without committing to military action.
2. **Risk Reduction:**
    - By avoiding formal participation in hostilities, non-belligerent states minimize the risk of becoming direct targets in the conflict.
3. **Economic Continuity:**
    - States can maintain trade and economic ties with belligerents, potentially benefiting from wartime demand.
4. **Diplomatic Leverage:**
    - Non-belligerent states can use their position to mediate or influence the outcome of the conflict without direct involvement.
5. **Humanitarian Contributions:**
    - States can focus on providing humanitarian aid and relief without becoming embroiled in military operations.

Disadvantages

1. **Erosion of Credibility:**
    - Non-belligerency may be perceived as hypocritical or opportunistic, especially if the state overtly supports one side.
2. **Vulnerability to Retaliation:**
    - Opposing parties may view the state's support for their adversaries as indirect hostility, leading to economic sanctions or other punitive measures.
3. **Legal Ambiguity:**
    - Non-belligerency lacks clear legal codification, leading to disputes over the state's rights and obligations.
4. **Limited Global Influence:**
    - Non-belligerent states may have reduced influence in post-conflict settlements compared to active participants or mediators.
5. **Domestic and International Criticism:**
    - Non-belligerency can lead to internal divisions or international pressure if perceived as indecisive or unprincipled.

Real-World Examples

1. **Italy in World War II (1939–1940):**
    - Initially adopted a non-belligerent stance, aligning with Germany politically while avoiding direct military involvement. Italy later entered the war on the Axis side in 1940.
2. **Spain in World War II:**
    - Declared Itself Non-Belligerent, Providing Limited Support To Axis Powers (E.G., The Blue Division To Fight On The Eastern Front) While Avoiding Formal Participation In The War.
3. **United States (Pre-World War II):**
    - Before officially entering World War II in 1941, the U.S. maintained a non-belligerent position by providing material support to Allied Powers through initiatives like the Lend-Lease Act.
4. **Portugal During World War II:**
    - Maintained non-belligerency by offering logistical support (e.g., allowing Allied access to airbases in the Azores) while avoiding direct involvement.

Outlook of Non-Belligerency in the Contemporary World

1. **Relevance in Regional Conflicts:**
    - Non-belligerency remains a practical stance for states wishing to avoid full involvement in conflicts while preserving their strategic interests.
2. **Application in Proxy Wars:**
    - States often adopt non-belligerency in modern proxy wars, supporting one side indirectly through arms sales, intelligence sharing, or economic aid.
3. **Humanitarian and Diplomatic Roles:**
    - Non-belligerent states may focus on providing humanitarian aid or mediating peace agreements while maintaining alignment with one party.
4. **Challenges from Global Transparency:**
    - In the age of digital media and global scrutiny, non-belligerent actions (e.g., covert support) are more easily exposed, increasing the risk of international criticism.
5. **Potential in International Disputes:**
    - Non-belligerency could be a viable strategy for states seeking to balance regional alliances while avoiding formal military commitments.

Other Names for Non-Belligerency

1. Quasi-Neutrality

2. Selective Neutrality
3. Impartial Engagement
4. Conditional Non-Participation
5. Limited Neutrality

Conclusion

Non-belligerency offers states a flexible and pragmatic approach to navigating conflicts by avoiding direct involvement while maintaining the ability to align with certain parties. Though it provides strategic advantages and minimizes risks, the lack of formal legal codification and potential for international scrutiny pose challenges. In the contemporary world, non-belligerency remains relevant in managing proxy wars, regional disputes, and complex geopolitical dynamics, especially where outright neutrality or military participation is untenable.

1-37 Positive Neutrality

Definition

Positive neutrality refers to a state's commitment to remaining neutral in armed conflicts while actively contributing to peace, mediation, conflict resolution, and humanitarian efforts. Unlike classical neutrality, positive neutrality involves proactive engagement in fostering stability, reducing tensions, and promoting peaceful outcomes, without aligning militarily with any party.

Characteristics

1. **Neutrality with Active Engagement:**
    - The state remains neutral in conflicts but actively works toward peace and stability through mediation, humanitarian aid, or diplomatic initiatives.
2. **Promotion of Peace:**
    - Positive neutrality emphasizes diplomacy, international cooperation, and conflict resolution rather than passive abstention.
3. **Alignment with International Law:**
    - It supports and upholds principles enshrined in international law, such as respect for sovereignty and human rights.
4. **Focus on Humanitarianism:**
    - Positive neutrality often involves delivering humanitarian aid to affected regions, irrespective of political affiliations.

5. **Global Reputation Building:**
    - Neutrality is used as a platform to enhance the state's role as a mediator and advocate for peaceful solutions.

Distinguishing Features

1. **Active Versus Passive Neutrality:**
    - Unlike classical neutrality, which is often passive, positive neutrality requires active participation in diplomatic, peacebuilding, and humanitarian efforts.
2. **Non-Military Contributions:**
    - The state contributes through non-military means, such as providing financial aid, hosting peace talks, or supporting international organizations.
3. **Global and Regional Engagement:**
    - Positive neutrality often involves working closely with global institutions like the United Nations or regional organizations to address conflicts.
4. **Moral and Ethical Dimensions:**
    - Positive neutrality aligns with ethical principles like human rights, justice, and the promotion of peace.

Advantages

1. **Global Influence:**
    - States practicing positive neutrality can enhance their international reputation as peacebuilders and mediators.
2. **Economic Stability:**
    - By avoiding military entanglements and focusing on peacebuilding, states can maintain stable economic conditions.
3. **Humanitarian Impact:**
    - Proactive efforts help alleviate suffering in conflict zones, improving global goodwill toward the state.
4. **Conflict Resolution Leadership:**
    - States gain recognition for their role in resolving disputes and fostering international dialogue.
5. **Alignment with Modern Values:**
    - Positive neutrality reflects contemporary values of multilateralism, human rights, and sustainable peace.

Disadvantages

1. **Potential Criticism of Bias:**
    - Active involvement in peacebuilding may lead to perceptions of partiality, particularly if the state engages more with one party than another.
2. **Resource Intensiveness:**
    - Positive neutrality requires significant resources for humanitarian aid, peacekeeping, and diplomatic initiatives.
3. **Limited Security Guarantees:**
    - While active in promoting peace, neutral states may face threats without the protection of military alliances.
4. **Challenges of Mediation:**
    - Mediation and peacebuilding efforts are complex and often fraught with political risks and potential failures.
5. **Risk of Retaliation:**
    - Belligerents may view certain actions (e.g., humanitarian support to their adversaries) as hostile.

Real-World Examples

1. **Switzerland:**
    - A prime example of positive neutrality, Switzerland remains neutral in conflicts but plays an active role in hosting peace negotiations and supporting humanitarian efforts through organizations like the Red Cross.
2. **Sweden:**
    - During the Cold War, Sweden maintained neutrality but actively supported global disarmament and mediated conflicts, such as in Vietnam and the Middle East.
3. **Finland:**
    - Historically neutral, Finland has played a key role in promoting peace, hosting U.S.-Soviet summits during the Cold War and contributing to United Nations peacekeeping missions.
4. **Ireland:**
    - Maintains military neutrality but actively supports peacekeeping and humanitarian missions under the auspices of the United Nations.
5. **Costa Rica:**
    - Abolished its military in 1949 and actively promotes peace and environmental sustainability while maintaining neutrality.

Outlook of Positive Neutrality in the Contemporary World

1. **Increasing Relevance in Multilateralism:**
    - Positive neutrality aligns with the growing emphasis on multilateral diplomacy and collective problem-solving in international relations.
2. **Role in Addressing Global Challenges:**
    - Neutral states can play a critical role in addressing issues like climate change, migration, and public health crises, which transcend traditional conflict dynamics.
3. **Contributions to Peacebuilding:**
    - As proxy wars and regional conflicts proliferate, the demand for neutral mediators with positive engagement is increasing.
4. **Challenges from Modern Conflicts:**
    - The rise of asymmetric warfare, cyberattacks, and terrorism complicates traditional peacebuilding methods, requiring neutral states to adapt their approaches.
5. **Support for International Institutions:**
    - Positive neutrality strengthens the role of global institutions like the United Nations by supporting their peacekeeping and humanitarian missions.

Other Names for Positive Neutrality

1. Active Neutrality
2. Engaged Neutrality
3. Humanitarian Neutrality
4. Diplomatic Neutrality
5. Proactive Neutrality

Conclusion

Positive neutrality represents a modern, proactive approach to neutrality that balances non-involvement in military conflicts with active contributions to peace and humanitarian efforts. While it requires significant resources and strategic foresight, this form of neutrality enables states to play influential roles in fostering global stability. In a contemporary world facing complex and interconnected challenges, positive neutrality is an increasingly relevant model for states aiming to contribute constructively to international peace and security while avoiding the entanglements of direct conflict.

1-38 Non-Alignment

Definition

Non-alignment is a policy of abstaining from formal military alliances or blocs, particularly during times of major geopolitical divisions, while maintaining an independent foreign policy. The concept gained prominence during the Cold War, when states sought to avoid aligning with either the Western bloc (NATO) or the Eastern bloc (Warsaw Pact). It is often seen as a political strategy rather than a strictly legal concept.

Characteristics

1. **Avoidance of Military Alliances:**
    - Non-aligned states do not join military alliances such as NATO or the Warsaw Pact.
2. **Independent Foreign Policy:**
    - Non-aligned countries pursue policies based on their own national interests rather than being dictated by bloc affiliations.
3. **Focus on Sovereignty:**
    - Emphasis on preserving sovereignty and independence in foreign relations.
4. **Commitment to Peace:**
    - Non-aligned states often promote disarmament, peaceful coexistence, and conflict resolution.
5. **Economic and Political Independence:**
    - Many non-aligned states prioritize avoiding economic or political dependence on major powers.
6. **Institutional Framework:**
    - The Non-Aligned Movement (NAM), established in 1961, provides a platform for member states to coordinate their policies and positions.

Distinguishing Features

1. **Distinct from Neutrality:**
    - Non-alignment differs from classical neutrality as it involves active participation in global affairs, often advocating for peace and justice.
2. **Focus on Global South:**
    - Historically, non-alignment has been a tool for newly independent nations to assert their independence during the Cold War.

3. **Strategic Flexibility:**
    - Non-aligned states retain the ability to engage with different blocs without committing to formal alliances.
4. **Broad Policy Spectrum:**
    - Non-alignment includes political, economic, and cultural dimensions, not just military abstention.

Advantages

1. **Preservation of Independence:**
    - Non-alignment allows states to avoid becoming tools in the geopolitical strategies of larger powers.
2. **Flexibility in Diplomacy:**
    - States can engage with all major powers without being restricted by alliance obligations.
3. **Focus on Development:**
    - Non-alignment prioritizes domestic development by avoiding costly military commitments.
4. **Advocacy for Global Issues:**
    - Non-aligned states often champion causes like decolonization, disarmament, and economic justice.
5. **Reduced Risk of Retaliation:**
    - By avoiding alliances, non-aligned states reduce the risk of becoming targets in conflicts between major powers.

Disadvantages

1. **Limited Security Guarantees:**
    - Non-aligned states lack the protection provided by formal alliances, making them potentially vulnerable to aggression.
2. **Dependency Risks:**
    - Despite the policy of independence, many non-aligned states became economically or politically dependent on one bloc during the Cold War.
3. **Perceived Weakness:**
    - Non-alignment may be perceived as indecisiveness or a lack of commitment to addressing global threats.
4. **Challenges in Coordination:**
    - The Non-Aligned Movement, with diverse membership, often struggles to achieve unified positions on international issues.

5. **Relevance in a Multipolar World:**
    - In the post-Cold War era, non-alignment faces challenges in adapting to the complexities of a multipolar world order.

Real-World Examples

1. **India:**
    - A founding member of the Non-Aligned Movement, India pursued a policy of non-alignment during the Cold War while maintaining economic and military relationships with both the Soviet Union and the United States.
2. **Yugoslavia:**
    - Under Josip Broz Tito, Yugoslavia played a leading role in the formation of the NAM and balanced relations between East and West.
3. **Egypt:**
    - Gamal Abdel Nasser's leadership in the NAM exemplified a commitment to non-alignment while seeking to assert Egypt's independence in the region.
4. **Indonesia:**
    - Sukarno championed non-alignment as a means to assert Indonesia's independence and leadership in the Global South.
5. **Ghana:**
    - Kwame Nkrumah used non-alignment to advocate for decolonization and African unity while avoiding alignment with Cold War blocs.

Outlook of Non-Alignment in the Contemporary World

1. **Adapting to Multipolarity:**
    - The end of the Cold War reduced the significance of bloc-based politics, but non-alignment remains relevant in a multipolar world with emerging powers like China, India, and regional blocs.
2. **Focus on Economic Independence:**
    - Non-alignment has shifted toward economic strategies, such as avoiding dependence on global financial institutions and diversifying trade partnerships.
3. **Relevance in New Conflicts:**
    - Non-alignment provides a framework for states seeking to remain neutral in modern geopolitical rivalries, such as the U.S.-China competition.
4. **Challenges from Global Interdependence:**
    - In an interconnected world, maintaining complete non-alignment is increasingly difficult, particularly in areas like technology and trade.

5. **Role in Multilateral Organizations:**
    - Non-aligned states continue to influence global governance through platforms like the United Nations and the NAM.

Other Names for Non-Alignment

1. Non-Allied Policy
2. Third Way Diplomacy
3. Neutralism
4. Strategic Independence
5. Non-Bloc Policy

Conclusion

Non-alignment has historically provided states with a way to navigate the complexities of international relations without compromising their sovereignty or independence. While its relevance has evolved in the post-Cold War era, it continues to offer a viable strategy for states seeking to avoid alignment with major powers while addressing global challenges. The Non-Aligned Movement, although less influential than during the Cold War, remains a platform for advocating the interests of developing nations and promoting principles of peace, justice, and economic equity in a multipolar world.

Chapter 2

Legal Basis of Neutrality

2-1 Content of Neutrality

2-11 General

The concept of neutrality in international law is grounded in various treaties, conventions, and customary international law principles. These legal frameworks outline the rights and duties of neutral states, the conduct of belligerent states towards neutrals, and the conditions under which neutrality must be maintained and respected.

Key Legal Instruments and Frameworks:

1. **The Hague Conventions of 1907:**
    - **Hague Convention V (Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land):**
        - Establishes the rights and duties of neutral powers and individuals during land warfare.
        - Prohibits the movement of troops or the establishment of belligerent military bases on neutral territory.
    - **Hague Convention XIII (Concerning the Rights and Duties of Neutral Powers in Naval War):**
        - Regulates the conduct of belligerents and neutrals in naval conflicts.
        - Prohibits the use of neutral ports and waters by belligerent warships and limits the activities of belligerent ships in neutral ports.
2. **Geneva Conventions and Their Additional Protocols:**
    - **Fourth Geneva Convention (1949):**
        - Provides for the protection of civilian persons in time of war, including in occupied territories and neutral zones.
    - **Additional Protocol I (1977):**
        - Expands protections for victims of international armed conflicts and addresses the rights and responsibilities of neutral states regarding the protection of civilians and humanitarian activities.
3. **United Nations Charter:**
    - **Article 2(4):**
        - Prohibits the threat or use of force against the territorial integrity or political independence of any state, reinforcing the principles of neutrality.

- **Article 51:**
    - Recognizes the inherent right of individual or collective self-defense if an armed attack occurs against a member state, while not impinging on the rights of neutral states.

4. **Customary International Law:**
    - Customary international law has established practices and norms regarding the conduct of neutrals and belligerents.
    - Principles such as the inviolability of neutral territory, the prohibition of passage for belligerent troops through neutral states, and the duty of neutrals to refrain from supporting belligerent activities.

Rights and Duties of Neutral States:

1. **Rights of Neutral States:**
    - **Inviolability of Territory:** Neutral states' territories must not be violated by belligerent states.
    - **Freedom of Commerce:** Neutrals can continue commercial activities, provided they do not supply war materials to belligerents.
    - **Impartiality:** Neutrals must treat all belligerent states impartially.
2. **Duties of Neutral States:**
    - **Prohibition of Military Assistance:** Neutral states must not provide military support to any belligerent parties.
    - **Prevention of Hostile Acts:** Neutral states must prevent their territory from being used for hostile actions by belligerents.
    - **Internment of Belligerent Forces:** If belligerent troops enter neutral territory, they must be interned to prevent them from rejoining the conflict.

Conduct of Belligerent States Toward Neutrals:

1. **Respect for Neutral Territory:**
    - Belligerent states must respect the territorial integrity of neutral states and refrain from military operations within neutral territories.
2. **Rights of Passage and Refuge:**
    - Belligerent ships may seek temporary refuge in neutral ports under certain conditions but cannot use them as a base for military operations.
    - Neutral ports may be used for non-military purposes, such as seeking asylum for wounded personnel or repairing damages.

3. **Blockades and Contraband:**
    - Belligerent states may establish blockades, but they must be effective and non-discriminatory.
    - Neutrals are generally prohibited from supplying contraband (e.g., weapons, ammunition) to belligerent states.

Historical and Practical Examples:

1. **Switzerland:**
    - Switzerland's neutrality is a well-established example, recognized by international treaties and respected during both World Wars. Swiss law enforces strict neutrality, prohibiting participation in military alliances and foreign conflicts.
2. **Sweden:**
    - Sweden maintained its neutrality during World War II, navigating complex diplomatic waters to avoid entanglement in the conflict, while providing humanitarian assistance.
3. **Belgium (Historical):**
    - Belgium's neutrality was guaranteed by the Treaty of London (1839), but it was violated by Germany in both World Wars, demonstrating the challenges of maintaining neutrality during large-scale conflicts.

Conclusion

Neutrality in international law is underpinned by various treaties, conventions, and customary international law principles. The Hague Conventions of 1907, the Geneva Conventions, the United Nations Charter, and customary practices all contribute to the legal basis of neutrality. These frameworks establish the rights and duties of neutral states, regulate the conduct of belligerent states toward neutrals, and aim to protect the sovereignty and territorial integrity of neutral states during conflicts. Despite these legal protections, the practical enforcement of neutrality can be challenging, especially during major international conflicts.

2-12 Land Warfare

Neutrality in the context of land warfare is governed by several key international legal instruments and principles. The primary legal basis includes the Hague Conventions, the Geneva Conventions, and principles of customary international law. These instruments outline the rights and obligations of neutral states and belligerent parties during conflicts, ensuring the protection of neutral territories and civilians.

Key Legal Instruments:

1. **Hague Convention V (1907) - Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land:**

   Main Provisions:

   - Article 1: The territory of neutral Powers is inviolable.
   - Article 2: Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power.
   - Article 3: Belligerents are also forbidden to (a) establish wireless telegraphy stations or any apparatus for the purpose of communicating with belligerent forces on neutral territory; (b) recruit or establish military formations within the territory of a neutral Power.
   - Article 4: Corps of combatants cannot be formed nor recruiting agencies opened on the territory of a neutral Power to assist belligerents.
   - Article 5**:** A neutral Power must not allow any of the acts referred to in Articles 2 to 4 to occur within its territory.

2. **Hague Convention XIII (1907) - Concerning the Rights and Duties of Neutral Powers in Naval War:**
   - Although primarily concerned with naval warfare, it also has implications for the movement of military personnel and materials across neutral territories in a broader context.
3. **Geneva Conventions (1949) and Additional Protocols:**
   - **Fourth Geneva Convention:** Protection of civilian persons in time of war, including in occupied territories and potentially in neutral zones established to safeguard civilians.
   - **Additional Protocol I (1977):** Expands protections for victims of international armed conflicts, including provisions that can affect neutral territories and the protection of civilians within them.

Rights and Duties of Neutral States in Land Warfare:

1. **Inviolability of Territory:**
   - Neutral states' territories are not to be violated by belligerent states. This includes prohibiting the passage of troops, the establishment of military bases, and other military activities within neutral borders.
2. **Impartial Treatment:**
   - Neutral states must treat all belligerents impartially, not favoring one side over the other in terms of allowing access or providing support.

3. **Prevention of Hostile Acts:**
    - Neutral states are required to prevent their territories from being used for hostile acts, including recruitment, organization of military corps, or establishing communication apparatus for belligerents.
4. **Internment of Belligerent Troops:**
    - If belligerent troops enter neutral territory, they must be interned to prevent them from rejoining the conflict. This internment is to be humane and in accordance with international standards.
5. **Non-Supply of War Materials:**
    - Neutrals must avoid supplying war materials to belligerents. This includes direct military supplies as well as indirect support that could aid the war effort.

Conduct of Belligerents Toward Neutral States:

1. **Respect for Neutral Territory:**
    - Belligerents must respect the territorial integrity of neutral states, avoiding any military operations or movements within neutral borders.
2. **Prohibition on Use of Neutral Infrastructure:**
    - Belligerents cannot use neutral ports, railways, or other infrastructure for military purposes. Any temporary refuge or passage must strictly adhere to neutrality principles.
3. **Prohibition on Recruitment:**
    - Belligerents cannot recruit soldiers or establish military operations within neutral states.

Customary International Law:

Customary international law reinforces these treaty obligations, establishing long-standing practices that belligerents and neutrals must adhere to during conflicts. Key principles include:

- **Sovereign Equality:** All states, including neutrals, have equal rights to sovereignty and territorial integrity.
- **Non-Intervention:** Belligerents must not intervene in the internal affairs of neutral states, including their decisions to maintain neutrality.
- **Proportionality and Necessity:** Any actions affecting neutral states must be proportionate and necessary within the context of military operations, avoiding unnecessary harm to neutral parties.

Practical Implications and Examples:

1. **Switzerland in World War II:**
    - Switzerland maintained strict neutrality, defending its borders against incursions, and interned belligerent soldiers who entered its territory. The Swiss government also took measures to prevent its territory from being used for military operations by either Axis or Allied powers.
2. **Sweden in World War II:**
    - Sweden managed to maintain neutrality by balancing its policies between the demands of both Axis and Allied powers, avoiding military alliances and ensuring its territory was not used for hostile operations.

Conclusion

Neutrality in land warfare is grounded in key international legal instruments such as the Hague Conventions and Geneva Conventions, as well as principles of customary international law. These legal frameworks define the rights and duties of neutral states and belligerents, ensuring the protection of neutral territories and civilians while maintaining impartiality and preventing the use of neutral territories for military purposes. The inviolability of neutral states' territories, prohibition of military activities within their borders, and the impartial treatment of all belligerents are central to maintaining neutrality in international conflicts.

2-121 Hague Convention V (1907)

2-121.1 Countries that Ratified HC V

The **Convention (V) respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land**, adopted during the Second Hague Peace Conference on October 18, 1907, aimed to define the rights and responsibilities of neutral states and individuals during land warfare.

Signatories and Ratifications:

- **Signatories:** 43 countries initially signed the convention on October 18, 1907.
- **Ratifications:** As of its entry into force on January 26, 1910, 33 countries had ratified the convention.

whatconvention.org

Ratifying Countries and Dates:

The following countries ratified the convention on the specified dates:

- Austria-Hungary: November 27, 1909
- Belgium: August 8, 1910
- Bolivia: November 27, 1909
- Brazil: January 5, 1914
- China: January 15, 1910
- Cuba: February 22, 1912
- Denmark: November 27, 1909
- El Salvador: November 27, 1909
- France: October 7, 1910
- Germany: November 27, 1909
- Guatemala: March 15, 1911
- Haiti: February 2, 1911
- Hungary: November 27, 1909
- Japan: December 13, 1911
- Liberia: February 4, 1914
- Luxembourg: October 5, 1912
- Mexico: November 27, 1909
- Netherlands: November 27, 1909
- Nicaragua: December 16, 1909
- Norway: September 19, 1910
- Panama: September 11, 1911
- Portugal: April 13, 1911
- Romania: March 1, 1912
- Russia: November 27, 1909
- Serbia: November 27, 1909
- Spain: November 27, 1909
- Sweden: November 27, 1909
- Switzerland: November 27, 1909
- United States: November 27, 1909

Note: Some countries, such as Finland (December 30, 1918), Belarus (June 4, 1962), and Poland (May 9, 1925), ratified the convention at later dates.

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Reservations

Several countries ratified the convention with specific reservations:

- United States: Signed with a reservation.
- Argentina: Made a reservation regarding Article 19.
- Russia: Made reservations concerning Article 44 of the Regulations annexed to the convention.
- Montenegro**:** Also made reservations concerning Article 44.

These reservations were documented during the plenary sessions of the conference. history.state.gov

For a comprehensive list of signatories, ratifications, and specific reservations, refer to the detailed records maintained by the International Committee of the Red Cross (ICRC). ihl-databases.icrc.org

2-13 Naval Warfare

The concept of neutrality in international law, particularly in the context of naval warfare, is governed by several key principles and treaties. Here are the main legal foundations:

1. Hague Conventions of 1907

The Hague Conventions are a series of international treaties and declarations negotiated at two international peace conferences at The Hague in the Netherlands. Several conventions are relevant to naval warfare and neutrality:

- **Hague Convention V (1907) on the Rights and Duties of Neutral Powers and Persons in Case of War on Land**: Although primarily focused on land warfare, it establishes some principles applicable to neutrality in general.
- **Hague Convention XIII (1907) concerning the Rights and Duties of Neutral Powers in Naval War**: This convention specifically addresses neutrality in naval warfare. It outlines the responsibilities of neutral powers, including restrictions on belligerent warships in neutral ports and territorial waters, and the treatment of neutral merchant ships.

2. Declaration of Paris (1856)

This declaration is one of the earlier codifications of maritime law and includes principles relevant to neutrality:

- Abolition of privateering.
- Protection of neutral goods under an enemy's flag, with exceptions for contraband.

- Blockades, to be binding, must be effective.

3. San Remo Manual on International Law Applicable to Armed Conflicts at Sea (1994)
This manual, although not a treaty, is a significant restatement of international law regarding naval warfare and neutrality. It provides a comprehensive set of guidelines based on existing laws and customary international law:

- **Rights and Duties of Neutral States**: Neutral states must abstain from participating in conflicts and ensure that their territory, including territorial waters, is not used for hostile activities. They must prevent belligerent states from using their resources or infrastructure for military operations.
- **Neutral Merchant Vessels**: These vessels are generally allowed to continue their peaceful commerce, subject to certain restrictions, such as avoiding carrying contraband.

4. United Nations Charter (1945)
While not specifically about naval warfare, the UN Charter lays the foundation for the modern international legal system, emphasizing the sovereignty of states and the prohibition of aggression, which indirectly supports the principles of neutrality:

- **Article 2(4)**: Prohibits the threat or use of force against the territorial integrity or political independence of any state.
- **Article 51**: Recognizes the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations.

Key Principles of Naval Neutrality

1. **Territorial Waters**: Neutral states must not allow belligerent ships to use their territorial waters for hostile actions. They can permit warships to seek refuge but usually only for a limited time and under strict conditions.
2. **Contraband**: Neutral ships may be subject to search and seizure if they are suspected of carrying contraband (goods destined for enemy forces). The definitions and lists of contraband have evolved, but the principle remains.
3. **Blockades**: A blockade must be declared, notified, and maintained by a force sufficient to prevent access to the enemy coast. Neutral ships attempting to breach a blockade can be captured.
4. **Right of Visit and Search**: Belligerent warships have the right to stop and search neutral merchant vessels to check for contraband. This right is balanced against the neutral state's rights and the principle of freedom of navigation.

Customary International Law

Beyond treaties, customary international law, which arises from the consistent practice of states followed out of a sense of legal obligation, also plays a crucial role in defining neutrality in naval warfare. This includes principles like the inviolability of neutral territory and the duties of neutral states to prevent their territory from being used for hostile acts.

In summary, the legal basis for neutrality in naval warfare is well-established through a combination of treaties, customary international law, and principles outlined in various international documents and manuals. These rules aim to balance the rights and duties of neutral and belligerent states, ensuring that neutral states can maintain their non-participant status while regulating the conduct of belligerents.

2-131 Hague Convention XIII (1907)

2-131.1 Countries that Ratified HC XIII

The **Convention (XIII) concerning the Rights and Duties of Neutral Powers in Naval War** was adopted on October 18, 1907, during the Second Hague Peace Conference. It aimed to define the rights and responsibilities of neutral states during naval conflicts.

Signatories and Ratifications:

- **Signatories:** The convention was initially signed by multiple countries on October 18, 1907.
- **Ratifications:** As of its entry into force on January 26, 1910, several countries had ratified the convention.

Ratifying Countries and Dates:

The following countries ratified the convention on the specified dates:

- Austria-Hungary: November 27, 1909
- Belgium: August 8, 1910
- Brazil: January 5, 1914
- China: January 15, 1910
- Cuba: February 22, 1912
- Denmark: November 27, 1909
- El Salvador: November 27, 1909
- France: October 7, 1910
- Germany: November 27, 1909
- Guatemala: March 15, 1911
- Haiti: February 2, 1911

- Italy: November 27, 1909
- Japan: December 13, 1911
- Luxembourg: October 5, 1912
- Mexico: November 27, 1909
- Netherlands: November 27, 1909
- Nicaragua: December 16, 1909
- Norway: September 19, 1910
- Panama: September 11, 1911
- Portugal: April 13, 1911
- Romania: March 1, 1912
- Russia: November 27, 1909
- Serbia: November 27, 1909
- Spain: November 27, 1909
- Sweden: November 27, 1909
- Switzerland: November 27, 1909
- United States**:** December 3, 1909

Reservations:

Some countries ratified the convention with reservations:

- United States: The U.S. Senate, upon giving its advice and consent to adherence, included a reservation and exclusion of Article 23, and an understanding regarding Article 3. Specifically, the reservation excluded Article 23, which pertains to the sequestration of prizes in neutral ports, and clarified the interpretation of Article 3 concerning the neutral power's obligations when a captured ship is no longer within its jurisdiction.
  nsarchive.gwu.edu

For a comprehensive list of signatories and ratifications, including any reservations made by specific countries, you can refer to the International Committee of the Red Cross (ICRC) database.
ihl-databases.icrc.org

2-132 Declaration of Paris (1856)
2-132.1 Countries that Ratified the Paris Declaration

The **Declaration of Paris**, signed on April 16, 1856, aimed to establish uniform maritime laws during wartime. The original signatories were Austria, France, Great Britain, Prussia,

Russia, Sardinia, and Turkey. The declaration became effective immediately upon signing. Subsequently, a total of 55 states, royal houses, and free cities acceded to the declaration, including:

- Argentina
- Belgium
- Brazil
- Bulgaria
- Chile
- Denmark
- Ecuador
- Greece
- Guatemala
- Haiti
- Japan
- Mexico
- Netherlands
- Ottoman Empire
- Peru
- Portugal
- Republic of New Granada (modern-day Colombia and Panama)
- Spain
- Sweden-Norway
- Switzerland
- United Kingdom
- Uruguay

Additionally, several German states and Italian states acceded to the declaration. Notably, the United States did not formally accede to the declaration, as it sought a complete exemption of non-contraband private property from capture at sea, a proposal not accepted by all powers. However, during the American Civil War in 1861 and the Spanish-American War in 1898, the U.S. declared its intention to adhere to the declaration's principles. Wikipedia

For detailed information on specific accession dates, consulting official records from the International Committee of the Red Cross (ICRC) or the respective national archives is recommended.

2-133 San Remo Manual (1994)

The **San Remo Manual on International Law Applicable to Armed Conflicts at Sea (1994)** is a comprehensive document that codifies and clarifies the laws governing naval warfare, combining both customary international law and treaty law. It was developed by a group of legal and naval experts under the auspices of the International Institute of Humanitarian Law. While not a legally binding treaty, it is widely respected and used as a reference by military and legal practitioners.

Key Features and Principles of the San Remo Manual:

1. **Scope and Application**
    - The Manual applies to international armed conflicts at sea, covering both the conduct of hostilities and the protection of victims of armed conflict.
    - It addresses the rights and duties of neutral and belligerent states.
2. **Neutrality in Naval Warfare**
    - **Territorial Waters and Airspace**: Neutral states must prevent their territory, including territorial waters and airspace, from being used by belligerents for military operations. Belligerents must respect the sovereignty of neutral states.
    - **Rights and Duties of Neutral States**: Neutral states must not provide support to belligerent parties, including allowing the passage of military supplies through their territory.
    - **Belligerent Rights over Neutral Shipping**: Belligerent states may visit and search neutral merchant vessels on the high seas to verify their neutrality and ensure they are not carrying contraband.
3. **Conduct of Hostilities**
    - **Targeting**: The Manual emphasizes the principles of distinction, proportionality, and necessity. Attacks must be directed only at military objectives, and precautions must be taken to minimize harm to civilians and civilian objects.
    - **Naval Blockades**: Blockades are permitted but must be declared and enforced impartially. They must not bar access to neutral ports and coasts, and humanitarian considerations must be respected.
    - **Methods and Means of Warfare**: The use of certain weapons and tactics, such as indiscriminate attacks or those causing unnecessary suffering, is prohibited.

4. **Protection of Persons and Objects**
    - **Protection of Civilians and Civilian Objects**: The Manual reiterates the need to avoid harm to civilians and civilian objects, consistent with the principles of international humanitarian law.
    - **Hospital Ships and Medical Transports**: Hospital ships and medical aircraft must be respected and protected. They should not be attacked, provided they are not used for military purposes.
5. **Measures Short of Attack**
    - **Visit and Search**: Belligerent warships have the right to visit and search merchant vessels outside neutral waters to ensure they are not carrying contraband or breaching blockades.
    - **Capture and Prize**: Belligerents may capture enemy merchant vessels and goods, and under certain conditions, neutral vessels carrying contraband. Captured vessels are subject to adjudication by a prize court.
6. **Sanctuary for Belligerent Forces**
    - **Neutral Ports and Waters**: Belligerent warships may seek refuge in neutral ports and waters but are generally limited to 24 hours unless extended due to damage or distress. They must not use neutral ports as a base of operations or for repairs that enhance combat capability.
7. **Prohibition of Certain Acts**
    - **No Use of Neutral Flags**: Belligerent vessels and aircraft must not use neutral flags, insignia, or markings to deceive the enemy.
    - **No Attacks from Neutral Waters**: Belligerents must not conduct attacks from or within neutral waters or airspace.

Summary of Neutrality Provisions:

- Neutral states must ensure their territory is not used for military operations by belligerents.
- Neutral shipping is subject to visit and search but is generally protected from attack unless carrying contraband or breaching a blockade.
- Belligerent warships in neutral ports are subject to restrictions on their activities and duration of stay.
- Respect for neutral sovereignty and prevention of hostile acts in neutral territory, including airspace, is a fundamental principle.

The San Remo Manual serves as an essential guide for the lawful conduct of naval operations during armed conflict, emphasizing the protection of neutral rights while outlining

the permissible actions of belligerents. It promotes adherence to international humanitarian law and the principles of neutrality in naval warfare.

2-133.1 Experts Developing the San Remo Manual

The **San Remo Manual on International Law Applicable to Armed Conflicts at Sea** was developed by a group of experts in international law and naval operations. This group consisted of prominent legal scholars, military personnel, and representatives from international organizations. The process was coordinated by the International Institute of Humanitarian Law, based in San Remo, Italy.

Here are some of the key experts and contributors involved in the development of the San Remo Manual:

Legal Experts and Academics:

1. **Louise Doswald-Beck** - Co-editor of the San Remo Manual, she was a senior legal adviser at the International Committee of the Red Cross (ICRC) and later became the Secretary-General of the International Commission of Jurists.
2. **Horace B. Robertson Jr.** - A retired U.S. Navy Rear Admiral and professor at Duke University School of Law, he was a leading figure in the field of international maritime law.
3. **Ruth Wedgwood** - A professor of international law and diplomacy, she contributed her expertise in international law and human rights.

Naval Experts:

1. **A.P.V. Rogers** - A former British Army Legal Services officer and expert in the law of armed conflict, he provided insights into military applications of international law.
2. **Wolff Heintschel von Heinegg** - A German legal scholar specializing in international humanitarian law and naval warfare.
3. **Allan Rosas** - A Finnish jurist and former member of the European Court of Justice, he contributed to the legal framework regarding naval operations.

International Organizations:

1. **International Committee of the Red Cross (ICRC)** - Provided significant input through its legal advisers and experts in humanitarian law.
2. **International Maritime Organization (IMO)** - Contributed expertise on maritime regulations and safety.

3. **United Nations** - Representatives from various UN bodies, including the Office of Legal Affairs, participated in the discussions and drafting process.

Military Legal Advisors:

1. **Rear Admiral Bruce A. Harlow** - A legal advisor with extensive experience in naval operations, he provided practical insights into the application of the law in maritime conflict scenarios.
2. **Captain J. Ashley Roach** - A legal advisor to the U.S. Department of State with expertise in the law of the sea and naval warfare.

Additional Contributors:

The drafting process also included contributions from other distinguished scholars and practitioners in international law, as well as representatives from various navies and defense ministries around the world.

The collaborative effort involved multiple sessions and meetings over several years, culminating in the finalization of the San Remo Manual in 1994. The Manual is a product of this extensive collaboration and reflects a broad consensus among the international legal and naval communities on the laws applicable to naval warfare.

2-133.2 Contents of the San Remo Manual

The **San Remo Manual on International Law Applicable to Armed Conflicts at Sea (1994)** is a comprehensive document that outlines the rules and principles governing naval warfare. Here is a detailed overview of its contents:

Introduction

- **Scope and Purpose**: The Manual provides a contemporary restatement of international law applicable to armed conflicts at sea, based on treaties, customary law, and principles of international humanitarian law.

Part I: General Provisions

- **Section I: Definitions**
    - Provides definitions for key terms used in the Manual, such as "attack," "combatants," "neutral waters," etc.

Part II: Armed Conflicts

- **Section II: Conduct of Hostilities**
    - **Distinction**: The principle of distinguishing between combatants and non-combatants, and between military objectives and civilian objects.
    - **Proportionality**: Prohibits attacks that may cause excessive civilian harm relative to the anticipated military advantage.
    - **Precautions in Attack**: Requires measures to minimize incidental harm to civilians and civilian objects.

Part III: Methods and Means of Warfare at Sea

- **Section III: Methods of Naval Warfare**
    - **Blockade**: Rules governing the establishment, maintenance, and enforcement of blockades.
    - **Visit and Search**: The rights of belligerents to visit and search neutral merchant vessels.
    - **Capture of Vessels and Goods**: Regulations on capturing enemy and neutral vessels and their cargo.
    - **Exclusion Zones**: Conditions for establishing exclusion zones for military operations.
- **Section IV: Means of Naval Warfare**
    - **Weapons**: Rules on the use of various weapons, including torpedoes, mines, and submarines.
    - **Environmental Protection**: Prohibits the use of methods or means of warfare that cause widespread, long-term, and severe damage to the natural environment.

Part IV: Measures Short of Attack

- **Section V: Interception of Vessels**
    - **Visit and Search Procedures**: Detailed procedures for visiting and searching merchant vessels.
    - **Diversion and Capture**: Guidelines for diverting and capturing vessels suspected of carrying contraband or breaching blockades.

Part V: Protection of Persons and Objects

- **Section VI: Protected Persons and Objects**
    - **Hospital Ships**: Special protections for hospital ships and medical transports.

        - **Civilian Persons and Objects**: Rules to protect civilians and civilian objects, including cultural property and the natural environment.

Part VI: Neutrality

- **Section VII: Neutral States**
    - **Rights and Duties**: The rights and responsibilities of neutral states, including the duty to prevent their territory from being used for belligerent purposes.
    - **Neutral Waters**: Prohibitions on belligerent operations in neutral waters and the treatment of belligerent warships in neutral ports.
- **Section VIII: Neutral Persons and Goods**
    - **Protection of Neutral Persons**: Safeguards for neutral persons on land and sea.
    - **Neutral Merchant Vessels**: Rules regarding the treatment of neutral merchant vessels, including the conditions under which they may be visited, searched, or captured.

Part VII: Implementation of the Law

- **Section IX: Legal Proceedings**
    - **Prize Courts**: The establishment and jurisdiction of prize courts to adjudicate the capture of vessels and goods.
    - **Reparations**: Liability and reparations for violations of the law of naval warfare.

Annexes

- **Annex A: Definitions**
    - Detailed definitions of terms used in the Manual.
- **Annex B: List of Treaties and Conventions**
    - Relevant international treaties and conventions referenced in the Manual.
- **Annex C: Bibliography**
    - References and further reading on international law applicable to armed conflicts at sea.

Commentary

- Provides detailed explanations and interpretations of the rules and principles contained in the Manual, along with historical and legal context.

The San Remo Manual is structured to provide clear guidance on the conduct of naval operations during armed conflicts, ensuring compliance with international humanitarian law and protecting both combatants and non-combatants. It serves as a crucial resource for military commanders, legal advisors, and policymakers involved in naval warfare.

2-133.3 Is the San Remo Manual Legally Binding?

The **San Remo Manual on International Law Applicable to Armed Conflicts at Sea (1994)** is not legally binding international law. Instead, it is considered an authoritative restatement of existing customary international humanitarian law and treaty rules applicable to naval warfare.

Key points:

1. **Nature of the Manual:**
    - The San Remo Manual is a product of expert consultations and scholarly discussions aimed at clarifying rules on naval warfare.
    - It synthesizes and clarifies existing principles of customary international law, treaties, and state practice.
2. **Legal Status:**
    - It does not have the legal status of a treaty because states have not formally ratified or adopted it.
    - The Manual itself explicitly acknowledges its status as a "manual" rather than a binding international treaty or convention.
3. **Practical Influence:**
    - Despite its non-binding nature, the Manual is widely referenced as an influential interpretative guide.
    - Courts, militaries, and scholars frequently cite the Manual as evidence of customary international law or as authoritative guidance on acceptable conduct during armed conflicts at sea.
4. **Customary International Law:**
    - Some provisions within the Manual reflect rules that are independently binding because they represent established customary international law.
    - However, the Manual itself, as a standalone document, does not create legal obligations.

Conclusion:
While not binding in itself, the San Remo Manual carries significant practical and interpretative weight in international law. It influences legal practice by clarifying existing legal norms rather than by creating new obligations.

2-14 Air Warfare

The concept of neutrality in international law regarding air warfare is less well-defined than in naval or land warfare, largely because the development of air warfare postdates many of the foundational treaties on neutrality. However, the principles can be derived from existing international law instruments, customary international law, and interpretations of neutrality in other contexts. Here are the main legal foundations:

1. Hague Conventions of 1907
While the Hague Conventions primarily address land and naval warfare, their principles extend to air warfare by analogy:

- **Hague Convention V (1907) on the Rights and Duties of Neutral Powers and Persons in Case of War on Land**: Establishes general principles of neutrality that can apply to airspace.
- **Hague Convention XIII (1907) concerning the Rights and Duties of Neutral Powers in Naval War**: While focused on naval warfare, the principles regarding neutral territory can be extended to a neutral state's airspace.

2. Geneva Conventions and Additional Protocols
The Geneva Conventions and their Additional Protocols, particularly Additional Protocol I (1977), provide rules on the conduct of hostilities that apply to air warfare and the protection of civilians:

- **Article 1(4) of Additional Protocol I**: Extends the application of the Geneva Conventions to armed conflicts involving national liberation movements, thus including air warfare.
- **Article 48 of Additional Protocol I**: Enshrines the principle of distinction, requiring parties to a conflict to distinguish between combatants and civilians, and between military objectives and civilian objects.

3. Chicago Convention on International Civil Aviation (1944)
Although primarily focused on civil aviation, the Chicago Convention establishes principles that impact air warfare, particularly regarding the sovereignty of airspace:

- **Article 1**: Recognizes that every state has complete and exclusive sovereignty over the airspace above its territory.
- **Article 3**: Stipulates that the convention applies only to civil aircraft, but recognizes the need for states to respect the airspace of neutral states.

4. San Remo Manual on International Law Applicable to Armed Conflicts at Sea (1994)
This manual includes guidelines on air warfare in the context of naval operations, reinforcing principles that apply to neutrality:

- **Airspace Control**: Neutral states have the right and duty to control their airspace and prevent its use by belligerents for hostile purposes.
- **Protection of Neutral Aircraft**: Neutral aircraft are generally immune from attack unless they engage in acts that would forfeit their neutral status, such as carrying contraband.

5. Customary International Law
Customary international law, derived from the consistent practice of states followed out of a sense of legal obligation, provides important principles regarding neutrality in air warfare:

- **Sovereignty of Airspace**: Neutral states have sovereignty over their airspace and must prevent belligerents from using it for military operations.
- **Prohibition of Hostile Acts in Neutral Airspace**: Belligerents must respect the airspace of neutral states and refrain from conducting hostilities within it.

Key Principles of Air Neutrality

1. **Sovereignty of Airspace**: Neutral states have the right to control their airspace and must not allow belligerents to use it for military purposes. This includes preventing overflights by military aircraft engaged in hostilities.
2. **Rights and Duties of Neutral States**: Neutral states must prevent their territory, including their airspace, from being used by belligerents to conduct hostilities. This may involve intercepting and expelling unauthorized military aircraft.
3. **Protection of Neutral Aircraft**: Neutral civilian aircraft are protected from attack, but they must avoid carrying contraband or engaging in activities that could compromise their neutral status.
4. **Prohibition of Hostile Acts**: Belligerent states must not conduct attacks from, through, or over the airspace of neutral states. Any breach of this principle can be considered a violation of neutrality.

Examples and Applications

- **Intercepting Belligerent Aircraft**: Neutral states are expected to intercept and expel belligerent military aircraft that violate their airspace.
- **Transit and Overflight Rights**: Belligerent states must seek permission from neutral states for any transit or overflight by military aircraft, and such permissions are generally restricted to non-combatant activities.

In summary, while specific treaties on air warfare and neutrality are limited, principles derived from broader international law instruments, customary international law, and analogous applications of existing treaties provide a legal basis for neutrality in air warfare. These principles emphasize the sovereignty of neutral states over their airspace, the prohibition of hostile acts within neutral airspace, and the protection of neutral civilian aircraft.

2-141 HPCR Manual (2013)

The **HPCR Manual on International Law Applicable to Air and Missile Warfare (2013)** is a comprehensive document developed by the Program on Humanitarian Policy and Conflict Research at Harvard University. It provides a detailed analysis of the legal norms governing air and missile warfare, including the rules applicable to neutrality. Here are the key neutrality rules from the 2013 HPCR Manual:

General Rules on Neutrality

1. **Respect for Neutral Airspace**:
    - Belligerent aircraft must respect the airspace of neutral states and may not enter or fly through it (Rule 176).
2. **Prohibition of Hostile Acts in Neutral Airspace**:
    - Belligerent states are prohibited from engaging in any hostile acts, including attacks or reconnaissance missions, within the airspace of a neutral state (Rule 177).
3. **Prohibition of Launching Operations from Neutral Territory**:
    - Belligerent states must not use neutral territory, including its airspace, as a base for launching attacks or conducting military operations against their adversaries (Rule 178).

4. **Duty to Prevent Use of Territory**:
    - Neutral states have a duty to prevent their territory, including airspace, from being used by belligerents for hostile purposes. This includes preventing belligerent aircraft from entering or using their airspace (Rule 179).

Specific Rules on Neutrality

1. **Passage of Civil Aircraft**:
    - Civil aircraft of belligerent states are allowed to fly through neutral airspace, but they must adhere to any regulations imposed by the neutral state. Such aircraft should not be involved in military activities (Rule 180).
2. **Treatment of Military Aircraft**:
    - Military aircraft of belligerent states are not permitted to enter neutral airspace. If such aircraft do enter neutral airspace, the neutral state is obliged to take measures to intern the aircraft and its crew (Rule 181).
3. **Overflights of Neutral Airspace**:
    - Belligerent states are required to ensure that their air operations do not violate the neutrality of other states. This includes avoiding overflights of neutral airspace unless specific permission is granted by the neutral state (Rule 182).
4. **Refuge and Asylum**:
    - Neutral states are under no obligation to grant asylum or refuge to belligerent aircraft and their crews, but if they do so, the aircraft and crews must be interned for the duration of the conflict (Rule 183).

Neutral State Responsibilities

1. **Preventing Violations of Neutrality**:
    - Neutral states must take necessary measures to prevent their territory, including airspace, from being used by belligerents. This may involve monitoring and controlling airspace to prevent unauthorized incursions (Rule 184).
2. **Interception and Internment**:
    - Neutral states are expected to intercept and intern any belligerent military aircraft that enter their airspace. The interned aircraft and crew should remain in the custody of the neutral state for the duration of hostilities (Rule 185).

3. **Communications and Notification**:
    - Neutral states should communicate their neutrality and the associated rules to all belligerent states and ensure that their airspace regulations are known and respected (Rule 186).

Conclusion

The HPCR Manual provides a detailed framework for the application of neutrality in air and missile warfare, emphasizing the importance of respecting neutral airspace and the responsibilities of neutral states to prevent their territory from being used for hostile purposes. Belligerent states must avoid using neutral airspace for military operations, and neutral states must enforce these rules to maintain their neutrality and avoid being drawn into the conflict.

2-141.1 Is the HPCR Manual Legally Binding?

The HPCR Manual on International Law Applicable to Air and Missile Warfare (2013) is similar to the San Remo Manual in that it is not binding international law. The HPCR Manual, like the San Remo Manual, is a restatement and clarification of existing international law, particularly customary international law and treaty provisions as they apply to air and missile warfare.

The HPCR Manual was developed by a group of experts convened by the Program on Humanitarian Policy and Conflict Research (HPCR) at Harvard University. Its purpose is to provide guidance to military practitioners, legal advisors, and policymakers on the application of international humanitarian law (IHL) to air and missile operations.

While the HPCR Manual is authoritative and influential, it does not have the legal status of a treaty or customary international law. Instead, it reflects the consensus of the experts who drafted it on how existing legal rules should be interpreted and applied in the context of air and missile warfare. Therefore, it serves as an important reference and educational tool, but it is not legally binding by itself. Its influence is derived from its utility in clarifying and applying established legal norms, and it may contribute to the development of customary international law through state practice and opinio juris.

2-15 Cyber Warfare

Neutrality in cyber warfare is governed by principles derived from traditional international law, particularly those found in the laws of neutrality, customary international law, and treaties that address state behavior in conflict. Although there is no specific treaty solely addressing neutrality in cyber warfare, existing international legal frameworks provide a basis for its application. Here's an overview of the key international laws applicable to neutrality in cyber warfare:

1. Hague Conventions (1907)

The Hague Conventions, particularly Hague Convention V and XIII, outline the rights and duties of neutral powers in the context of land and naval warfare. While these conventions do not explicitly mention cyber warfare, their principles can be extended to the cyber domain by analogy:

- **Non-use of Neutral Territory**: A neutral state must not allow its territory to be used for acts of warfare. This can be interpreted to include preventing the use of its cyber infrastructure (e.g., servers, networks) for launching cyberattacks.
- **Obligation to Prevent Abuse**: Neutral states must take steps to prevent their resources from being used by belligerents in a cyber conflict.

2. Geneva Conventions and Additional Protocols

The Geneva Conventions focus on the protection of civilians and the conduct of hostilities. While primarily addressing kinetic warfare, these principles can extend to cyber warfare:

- **Protection of Civilians**: Cyber operations must not target civilian infrastructure or cause disproportionate harm to civilians.
- **Distinction and Proportionality**: Belligerents must distinguish between military and civilian targets and ensure that any cyber operation is proportionate to the military advantage gained.

3. United Nations Charter (1945)

The UN Charter sets out the principles of state sovereignty and the prohibition of the use of force:

- **Sovereignty**: States have sovereign control over their territory, which includes their cyber infrastructure.
- **Non-Intervention**: States must refrain from interfering in the internal affairs of other states, including through cyber means.

4. Customary International Law

Customary international law, developed through state practice and opinio juris (the belief that an action is carried out as a legal obligation), also applies to cyber warfare. Key principles include:

- **Sovereign Equality**: All states have equal sovereignty, and their cyber infrastructure must be respected.
- **Non-Intervention**: Customary international law prohibits intervention in the internal affairs of other states, which includes cyber operations.

5. Tallinn Manual on the International Law Applicable to Cyber Warfare (2013)

The Tallinn Manual, developed by a group of international legal experts, specifically addresses the application of international law to cyber warfare. It is not legally binding but provides a comprehensive analysis of how existing international law applies to cyber operations. Key points include:

- **Rule 1 (Sovereignty)**: States must respect the sovereignty of other states in the cyber domain.
- **Rule 4 (Prohibition of Intervention)**: States must not intervene in the internal or external affairs of other states through cyber means.
- **Rule 7 (Due Diligence)**: States must take reasonable measures to ensure their territory is not used for cyber operations that adversely affect other states.

6. Other Relevant International Agreements

- **Budapest Convention on Cybercrime (2001)**: This treaty addresses crimes committed via the internet and other computer networks, fostering international cooperation in combating cybercrime. While not directly about neutrality, it supports the principle of preventing misuse of cyber infrastructure.
- **Various Regional Treaties**: Regional agreements, such as those within the European Union, ASEAN, or the African Union, may also have provisions relevant to cyber operations and state behavior.

Conclusion

While there is no specific, standalone international treaty on neutrality in cyber warfare, the principles derived from existing international law on neutrality, customary international law, and interpretations provided by frameworks like the Tallinn Manual are applicable. States are expected to respect the sovereignty of neutral states, avoid using neutral cyber infrastructure for military operations, and take measures to prevent their own infrastructure from being used for such purposes.

2-151 Tallinn Manual 2.0 (2017)

The **Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations (2017)** expands on the original Tallinn Manual to address a broader range of cyber operations, including those occurring outside the context of armed conflict. It provides comprehensive guidelines on how existing international law applies to state behavior in cyberspace. Here are the key rules and principles related to neutrality in cyber operations from the Tallinn Manual 2.0:

Key Neutrality Rules in Tallinn Manual 2.0

1. **Sovereignty (Rule 1)**
    - States must respect the sovereignty of other states in cyberspace. This includes refraining from conducting cyber operations that violate the territorial integrity or political independence of another state.
2. **Prohibition of Intervention (Rule 4)**
    - States must not intervene in the internal or external affairs of other states through cyber means. This principle of non-intervention includes coercive cyber operations that affect the essential functions of the target state.
3. **Due Diligence (Rule 6)**
    - A state must not knowingly allow its territory to be used for cyber operations that adversely affect the rights of other states. If a state becomes aware of such use, it must take reasonable measures to terminate the activity.

Specific Rules on Neutrality

1. **Neutrality and Neutral States (Rules 92-101)**
    - **Rule 92**: Neutral states have the right to remain impartial and must be respected as such by belligerent states.
    - **Rule 93**: Neutral states must not permit belligerent states to conduct cyber operations from their territory. This includes ensuring that their cyber infrastructure is not used for such purposes.
    - **Rule 94**: Neutral states are obliged to prevent their territory, including cyber infrastructure, from being used by belligerent states for cyber operations.
    - **Rule 95**: Belligerent states must respect the cyber infrastructure of neutral states and avoid using it for military purposes.
    - **Rule 96**: A neutral state must not assist a belligerent state in conducting cyber operations, directly or indirectly.

- **Rule 97**: Belligerent states are prohibited from conducting cyber operations that affect the cyber infrastructure of neutral states, including operations that transit through neutral cyber infrastructure.
- **Rule 98**: If a neutral state becomes aware of its territory being used for cyber operations by a belligerent state, it must take measures to stop such use.
- **Rule 99**: Neutral states have the right to impose restrictions on belligerent states' cyber operations within their territory and can take necessary measures to enforce these restrictions.
- **Rule 100**: Neutral states are under no obligation to allow the use of their cyber infrastructure by belligerent states, and they can take measures to prevent such use.
- **Rule 101**: Neutral states must not discriminate between belligerent states in terms of the restrictions or permissions related to the use of their cyber infrastructure.

Additional Relevant Rules

1. **Protection of Civilian Cyber Infrastructure (Rule 99)**
   - The use of civilian cyber infrastructure for military purposes by belligerents is prohibited. Civilian infrastructure must be protected from the adverse effects of cyber operations.
2. **Proportionality and Distinction (Rules 52-55)**
   - Cyber operations must adhere to the principles of proportionality and distinction. This means avoiding attacks that would cause excessive collateral damage to civilian infrastructure relative to the anticipated military advantage.
3. **Non-Hostile Use of Neutral Cyber Infrastructure (Rule 101)**
   - Neutral states can permit the use of their cyber infrastructure for non-hostile purposes, such as humanitarian communications, but must ensure such use does not confer a military advantage to any belligerent.

Conclusion

The Tallinn Manual 2.0 provides detailed guidance on the application of neutrality principles to cyber operations, emphasizing respect for the sovereignty of neutral states and the prohibition against using neutral cyber infrastructure for military operations. Neutral states have specific obligations to prevent the misuse of their cyber resources and to ensure that their territory is not exploited by belligerents. Belligerent states must respect these rules to maintain the integrity of neutral states and avoid escalating conflicts in cyberspace.

2-151.1 Is the Tallinn Manual Legally Binding?

The Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations (2017) is not binding international law. Like the San Remo Manual and the HPCR Manual, the Tallinn Manual 2.0 serves as a comprehensive restatement of how existing international law applies to cyber operations, but it does not have the status of a treaty or customary international law on its own.

The Tallinn Manual 2.0 was developed by a group of international legal experts under the auspices of the NATO Cooperative Cyber Defence Centre of Excellence (CCDCOE). It represents the consensus views of these experts on how existing principles of international law, including the law of armed conflict, human rights law, and peacetime international law, apply to cyber activities.

Although the manual is highly respected and influential in the field of cyber law, it does not constitute binding legal authority. Its significance lies in its role as a scholarly work that provides detailed analysis and interpretation of how existing legal norms can be applied to cyber operations. This can guide states, policymakers, and legal practitioners in shaping their understanding and practice regarding the application of international law in cyberspace.

Over time, the principles articulated in the Tallinn Manual 2.0 may influence state practice and contribute to the development of customary international law, but the manual itself remains a non-binding interpretative document.

2-152 Budapest Convention (2001)

The **Budapest Convention on Cybercrime (2001)**, also known as the Council of Europe Convention on Cybercrime, primarily focuses on harmonizing national laws related to cybercrime, improving investigative techniques, and increasing cooperation among nations. It is not directly concerned with the laws of neutrality in the context of cyber warfare. However, some of its provisions can indirectly support the principles of neutrality by preventing the misuse of a state's cyber infrastructure for hostile purposes.

Here are the key aspects of the Budapest Convention relevant to neutrality:

1. Purpose and Scope
The Budapest Convention aims to combat cybercrime by:

- Harmonizing domestic criminal laws.
- Providing procedural law tools for investigating cybercrime.
- Promoting international cooperation.

2. Key Provisions Supporting Neutrality

Although not explicitly about neutrality, certain articles of the convention can be interpreted to support the neutrality of states by preventing the misuse of their cyber infrastructure:

Article 2: Illegal Access

- **Prohibition of Unauthorized Access**: This article requires signatory states to criminalize unauthorized access to computer systems. This helps prevent external actors, including belligerents, from using a state's cyber infrastructure for hostile operations without permission.

Article 3: Illegal Interception

- **Protection Against Unauthorized Interception**: Criminalizing the interception of non-public transmissions ensures that cyber communications within a state remain secure and private, preventing misuse by third parties for hostile purposes.

Article 4: Data Interference

- **Integrity of Data**: Criminalizing intentional data damage or alteration helps protect the integrity of a state's data, reducing the risk of its cyber resources being compromised for belligerent activities.

Article 5: System Interference

- **Protection of Computer Systems**: By criminalizing actions that disrupt the functionality of computer systems, the convention helps maintain the operational integrity of a state's cyber infrastructure.

3. International Cooperation

Article 23: General Principles Relating to International Cooperation

- **Facilitation of Cross-Border Cooperation**: The convention encourages signatory states to cooperate in investigating and prosecuting cybercrime. This can indirectly support neutrality by enabling states to collaborate in preventing their infrastructure from being used for hostile purposes.

Article 24: Extradition

- **Extradition for Cybercrime Offenders**: The provisions on extradition ensure that individuals involved in cybercrime can be handed over to the appropriate authorities, thereby deterring the use of a state's cyber infrastructure for belligerent actions.

Article 25: Mutual Assistance

- **Assistance in Investigations**: States are encouraged to assist each other in cybercrime investigations. This cooperative framework can help neutral states address and mitigate unauthorized use of their cyber infrastructure.

4. Procedural Law Tools

Article 29: Expedited Preservation of Stored Computer Data

- **Preservation of Data**: States are required to preserve data relevant to cybercrime investigations, ensuring that evidence of any misuse of their infrastructure can be retained and investigated.

Article 30: Expedited Preservation and Partial Disclosure of Traffic Data

- **Traffic Data Preservation**: Ensuring the preservation and partial disclosure of traffic data helps trace the origin of cyberattacks, which can be critical for neutral states in identifying and preventing misuse of their infrastructure.

Conclusion

While the Budapest Convention on Cybercrime (2001) does not specifically address the laws of neutrality in the context of cyber warfare, its provisions contribute to a legal framework that supports the protection and integrity of states' cyber infrastructure. By criminalizing unauthorized access, data interference, and system disruption, and by fostering international cooperation, the convention indirectly supports the principles of neutrality. It helps prevent the misuse of a state's cyber resources for hostile purposes and facilitates cooperation in addressing such threats.

2-152.1 Binding Law of the Budapest Convention

The Budapest Convention on Cybercrime (2001), formally known as the Council of Europe Convention on Cybercrime, is a binding international treaty for the countries that have ratified or acceded to it.

As a treaty, the Budapest Convention creates legal obligations for its signatories. The primary objectives of the Convention are to harmonize national laws on cybercrime, improve investigative techniques, and increase cooperation among nations to combat cybercrime effectively. It covers a broad range of activities, including offenses against the confidentiality, integrity, and availability of computer systems and data, as well as computer-related fraud and child pornography.

Countries that ratify or accede to the Convention are legally bound to implement its provisions into their national legal frameworks and cooperate with other signatory states in the investigation and prosecution of cybercrimes.

In summary, the Budapest Convention is binding international law for its parties, requiring them to align their domestic laws with the Convention's standards and to collaborate in combating cybercrime globally.

2-2 Formal Status of Neutrality

2-21 Neutrality in General

The formal status of neutrality in international law finds its primary legal basis in treaty law and customary international law. The following constitute the key foundations:

1. Hague Conventions of 1907
The most explicit codification of neutrality's formal legal status is found in the Hague Conventions of 1907:

- **Convention V**: Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land
- **Convention XIII**: Concerning the Rights and Duties of Neutral Powers in Naval War

These conventions explicitly establish neutrality as a distinct legal status recognized by belligerent and neutral states, clearly separating neutral states from those actively engaged in armed conflict.

2. Customary International Law
The formal status of neutrality predates these codifications, being historically rooted in state practice recognized as legally binding (opinio juris). International jurisprudence has acknowledged this repeatedly (e.g., the Permanent Court of International Justice, *S.S. Wimbledon Case (1923)*). Therefore, neutrality exists independently of explicit treaty obligations, grounded firmly in customary international law.

3. UN Charter (1945) – Indirect Recognition
The United Nations Charter indirectly acknowledges neutrality by recognizing sovereign equality, territorial integrity, and non-intervention principles (Art. 2). Although the Charter

does not explicitly address neutrality, it implicitly preserves the right of states to adopt neutral status in international conflicts.

4. Declarations of Neutrality
Individual states may explicitly assert neutrality through unilateral declarations, recognized under international law as legally binding acts if made publicly, clearly, and with intent to be bound (as seen in historical examples like Switzerland's neutrality in 1815 or Austria's declaration in 1955).

In sum, the formal status (as distinct from the content or rights and obligations associated with neutrality) rests primarily on:

- Explicit treaty law (especially the Hague Conventions of 1907)
- Customary international law (as evidenced by consistent state practice and judicial recognition)
- Indirect confirmation via the UN Charter
- Formal unilateral declarations by states intending to assume permanent or temporary neutrality

This clear legal grounding establishes neutrality as an internationally recognized and legally protected status, independent of the specific duties and rights neutrality entails.

2-22 Permanent Neutrality

Legal Basis for the Formal Status of Permanent Neutrality
Permanent neutrality is a formal status in international law whereby a state commits to remain neutral in perpetuity and abstain from participation in armed conflicts or military alliances. This status is typically recognized and guaranteed by international agreements and customary international law. Below are the key legal principles and frameworks underpinning permanent neutrality:

1. Definition and Scope
Permanent neutrality involves a state's legal and political commitment to:

- Abstain from participation in wars or military alliances.
- Refuse to allow foreign military bases or forces on its territory.
- Ensure its sovereignty and independence are preserved.

Recognition by other states and adherence to international norms are essential for maintaining permanent neutrality.

2. Legal Sources for Permanent Neutrality

A. International Treaties

1. **Congress of Vienna (1815)**:
    - Switzerland's permanent neutrality was recognized and guaranteed by the Great Powers after the Napoleonic Wars.
    - This guarantee was reiterated in subsequent treaties, forming a precedent for other cases of permanent neutrality.
2. **Austrian State Treaty (1955)**:
    - Austria’s neutrality was codified in its constitutional law following the Austrian State Treaty, which ended the Allied occupation.
    - Austria pledged to remain permanently neutral as a condition for regaining full sovereignty.
3. **Hague Conventions of 1907**:
    - While not specific to permanent neutrality, these conventions outline the rights and obligations of neutral states, forming a legal framework applicable to permanently neutral states during conflicts.
4. **United Nations Charter (1945)**:
    - The UN Charter, particularly Articles 1 and 2, emphasizes the principles of sovereignty, non-interference, and peaceful resolution of disputes, which align with the commitments of permanently neutral states.

B. Domestic Law

- States often enshrine permanent neutrality in their constitutions or national legislation:
    - **Switzerland**: Neutrality is an implicit constitutional principle that has been practiced since 1815.
    - **Austria**: Article I of the 1955 Austrian Neutrality Law explicitly commits Austria to permanent neutrality.

C. Customary International Law

- Recognition of permanent neutrality by the international community reinforces its status under customary law. The principles of territorial inviolability and non-participation in conflicts are universally accepted norms.

3. Rights and Obligations of Permanently Neutral States

A. Rights

1. **Territorial Integrity**:
    - Permanently neutral states are entitled to respect for their borders and sovereignty.
    - Other states are prohibited from conducting hostilities on their territory.
2. **Non-Participation in Military Alliances**:
    - Neutral states are not obligated to join collective defense agreements or military coalitions.

B. Obligations

1. **Non-Aligned Foreign Policy**:
    - Permanently neutral states must refrain from actions or alliances that compromise their neutrality.
2. **Defense of Neutrality**:
    - A neutral state must maintain adequate defense capabilities to protect its neutrality.
3. **Impartiality During Conflict**:
    - The state must treat all belligerents equally, avoiding favoritism or direct involvement.

4. Guarantees and Recognition

- Permanent neutrality often depends on formal recognition or guarantees by other states or international bodies. For example:
    - Switzerland's neutrality has been consistently upheld by the international community.
    - Austria's neutrality was accepted by the Allied powers as part of the 1955 settlement.

5. Challenges and Contemporary Relevance

1. **Global Security Frameworks**:
    - Permanent neutrality can be challenging in a world dominated by collective security systems like NATO or the EU.
    - Neutral states often navigate tensions between their commitments to neutrality and participation in international organizations.
2. **Evolving Threats**:
    - Cyber warfare, terrorism, and economic sanctions pose new challenges to the traditional concept of neutrality.

Chapter 3

Consequences of Neutrality

3-1 Pre-Effects of Neutrality

The pre-effects of neutrality refer to the political, legal, economic, and social changes or preparations a state undergoes before formally adopting or declaring neutrality. These effects are a mix of proactive measures and transitional consequences that set the stage for a state to establish and maintain neutrality effectively. Below are the key pre-effects:

1. Diplomatic Engagement

- **Negotiations with Other States**: A neutral state must ensure recognition of its status by major powers and neighboring countries.
- **International Treaties and Agreements**:
    - Securing treaties to formalize neutrality (e.g., Switzerland's neutrality recognized in the Treaty of Paris, 1815).
    - Agreements guaranteeing the inviolability of the state's borders.
- **Withdrawal from Alliances**:
    - The state may need to terminate membership in military alliances or defense pacts that conflict with its neutrality.

2. Legal and Constitutional Reforms

- **Enshrining Neutrality**:
    - Neutrality may need to be embedded in the constitution or other legal frameworks to give it formal legitimacy.
    - Example: Austria’s 1955 neutrality was written into its constitutional law.
- **Adjusting Domestic Laws**:
    - Prohibiting actions that could compromise neutrality, such as arms exports to belligerents or hosting foreign military bases.

3. Security and Military Preparations

- **Adopting a Defensive Posture**:
    - The military strategy shifts to self-defense rather than offense, focusing on territorial defense.
- **Reducing Foreign Military Influence**:
    - Removing foreign troops, military bases, or alliances tied to defense obligations.
    - Example: Austria required the withdrawal of Soviet, U.S., British, and French troops before declaring neutrality.

- **Demilitarization (if applicable)**:
    - Some states may reduce or restructure their military capabilities to align with neutrality.

4. Economic Adjustments

- **Diversification of Trade**:
    - Reducing dependence on any single country or bloc to avoid the perception of bias during conflicts.
- **Restructuring Defense Industries**:
    - Scaling back or transforming industries reliant on exporting arms or military equipment to warring states.
- **Building Economic Independence**:
    - Preparing for potential challenges, such as limited trade access during conflicts.

5. Domestic Political and Social Effects

- **Building National Consensus**:
    - Governments often engage in public education and political campaigns to ensure citizens and political parties understand and support neutrality.
- **Reducing Internal Divisions**:
    - Addressing opposition from groups that may favor alliances or a more active role in international conflicts.
- **Promoting Neutrality as a Core Identity**:
    - Instilling neutrality as part of the nation’s ethos through education, media, and cultural initiatives.

6. Strategic Risk Mitigation

- **Resolving Border Disputes**:
    - Ensuring that territorial issues are settled to reduce the risk of future conflicts.
- **Securing Security Guarantees**:
    - Seeking formal or informal guarantees from other states or organizations that neutrality will be respected.
    - Example: Switzerland's neutrality was respected by major powers as a buffer state.

7. International Perception and Mediation Role

- **Establishing Credibility**:
    - The state may actively demonstrate its commitment to impartiality through peacebuilding or humanitarian efforts.
- **Avoiding Provocative Actions**:
    - The state refrains from policies or actions that could be perceived as favoring one side in potential or ongoing conflicts.

8. Withdrawal from Military and Defense Commitments

- **Terminating Foreign Agreements**:
    - Canceling bilateral or multilateral agreements that involve military obligations.
- **Halting Foreign Military Presence**:
    - Ensuring that no foreign troops or weapons (e.g., nuclear arms) remain on the state’s territory.

9. Adaptation to Modern Neutrality Requirements

- **Cyber Neutrality**:
    - Preparing legal and technical measures to prevent the state's infrastructure from being used in cyberattacks or espionage.
- **Addressing Collective Security Challenges**:
    - Reconciling neutrality with membership in international organizations (e.g., the UN) that may require sanctions or peacekeeping operations.

10. Historical and Comparative Analysis

- Learning from other neutral states:
    - Switzerland: Gradual establishment of neutrality recognized after the Napoleonic Wars.
    - Austria: Adoption of neutrality post-WWII to ensure sovereignty and independence.

Conclusion

The pre-effects of neutrality involve significant preparations across diplomatic, legal, economic, military, and social domains. These efforts ensure that the transition to neutrality is credible, sustainable, and recognized by the international community. By addressing potential challenges and risks proactively, a state can create the foundations for long-term peace and stability.

3-2 Permanent Neutrality

3-21 Pre-Effects

Before permanent neutrality is activated in an armed conflict, several pre-effects may manifest at different levels—diplomatic, military, economic, and social. These effects typically emerge as the neutral party prepares to transition into a status of permanent neutrality. Below are the key pre-effects:

1. Diplomatic Pre-Effects

- **Formal Declaration or Agreements** – The country or entity seeking neutrality may issue diplomatic statements, negotiate treaties, or seek international recognition.
- **Negotiations with Belligerents** – Diplomatic engagement with conflicting parties to ensure they acknowledge and respect the neutral status.
- **Engagement with International Organizations** – Communication with institutions such as the United Nations (UN), International Committee of the Red Cross (ICRC), and regional blocs to legitimize neutrality.
- **Potential Diplomatic Pressure** – Neutrality declarations may invite pressure from allied or adversarial states that view it as a strategic disadvantage.

2. Military Pre-Effects

- **Troop Redeployment & Demilitarization** – The neutral country may begin repositioning forces away from conflict zones to avoid appearing threatening.
- **Strengthening of Borders** – Enhanced security to prevent violations of sovereignty by belligerents.
- **End of Military Alliances** – Withdrawal from defense pacts, military alliances (e.g., NATO), or commitments that contradict neutrality.
- **Defensive Military Posture** – While neutral, the country may maintain defensive capabilities to protect its neutrality if violated.

3. Economic Pre-Effects

- **Trade Policy Adjustments** – Neutral entities may reduce or halt arms trade, military aid, or economic support to belligerents.
- **Sanctions or Economic Restrictions** – Possible restrictions on transactions with warring parties to avoid accusations of favoritism.
- **Financial Market Reactions** – Businesses and investors may respond with caution, anticipating risks from the geopolitical shift.

4. Social & Internal Effects

- **Public Debate & Political Division** – National discourse on neutrality may intensify, with political factions debating its implications.
- **Evacuation & Humanitarian Concerns** – Civilians in conflict zones may seek asylum or protection, and the neutral party may prepare refugee support measures.
- **Media & Propaganda Shifts** – Changes in government narratives and media strategies to reinforce the commitment to neutrality.

5. Legal & Institutional Adjustments

- **Adaptation of National Laws** – Legal changes to codify neutrality (e.g., restricting foreign troop presence or military bases).
- **International Legal Filings** – The country may seek guarantees under international law, such as recognition by the Hague Conventions or the UN Charter.
- **Monitoring & Enforcement Mechanisms** – Establishing institutions to oversee compliance with neutrality and mediate disputes.

Conclusion

The activation of permanent neutrality is not an instantaneous event but a process with diplomatic, military, economic, and social ramifications. These pre-effects can shape the conflict's trajectory, potentially leading to diplomatic settlements, shifts in alliances, or new security dynamics.

3-22 Rights of Permanent Neutrality

The rights of permanent neutrality are privileges and protections afforded to states that have adopted a neutral status and are recognized as such under international law. These rights are intended to ensure the neutrality of the state is respected by other nations and to allow the neutral state to maintain its position during times of international conflict.

Key Rights of Permanent Neutrality

1. **Inviolability of Territory**:
    - A neutral state's territory is protected from invasion or occupation by warring parties.
    - No military activities or operations may be conducted within the territory of the neutral state.

2. **Right to Non-Interference**:
    - Neutral states have the right to conduct their internal and external affairs without interference from other nations, particularly during times of conflict.
3. **Protection under International Law**:
    - Permanent neutral states are entitled to legal protection under international agreements, such as the Hague Conventions of 1907, which outline the rights and duties of neutral powers.
4. **Freedom of Navigation and Trade**:
    - Neutral states retain the right to engage in trade and commerce, including with belligerent nations, as long as it does not violate neutrality principles (e.g., trade in contraband goods).
5. **Non-Participation in Alliances**:
    - A permanently neutral state has the right to abstain from military alliances or collective defense agreements that could compromise its neutrality.
6. **Respect for Sovereignty**:
    - Other states are obligated to respect the sovereignty of a neutral state, including its airspace, land, and territorial waters.
7. **Right to Self-Defense**:
    - Neutral states have the right to defend themselves against aggression or violations of their neutrality, even if such actions involve military force.
8. **Impartial Diplomatic Recognition**:
    - Neutral states can maintain diplomatic relations with all nations without prejudice or alignment, ensuring their neutrality is not questioned.
9. **Immunity from Obligations in Conflicts**:
    - Neutral states are not required to contribute troops, funds, or resources to any belligerent party or international conflicts.
10. **Equal Treatment by Belligerents**:
    - Belligerent states must treat the neutral state equally and refrain from coercing it to support one side over the other.

Significance of These Rights

The rights of permanent neutrality are crucial in ensuring that neutral states can maintain peace and stability within their borders while contributing to international stability by avoiding involvement in conflicts. These rights also provide a legal framework that protects neutral states from being drawn into global conflicts or alliances that compromise their neutral status.

3-23 Duties of Permanent Neutrality

The duties of permanent neutrality are obligations that a state undertakes to maintain its neutral status during conflicts and to comply with the principles of neutrality under international law. These duties ensure the state's neutrality is credible, respected, and maintained in practice.

Key Duties of Permanent Neutrality

1. **Non-Participation in Armed Conflicts**:
    - A neutral state must refrain from joining or supporting any party in a war or armed conflict, either directly or indirectly.
    - This includes abstaining from providing military support, troops, weapons, or financial aid to belligerents.
2. **Non-Alliance with Belligerents**:
    - Neutral states must avoid entering into military alliances or agreements that could be interpreted as taking sides in a conflict.
3. **Prohibition of Belligerent Activities on Its Territory**:
    - The neutral state must prevent its territory from being used by belligerents for military operations, including recruitment, troop movements, or the storage of war materials.
4. **Impartial Treatment of Belligerents**:
    - Neutral states must treat all parties in a conflict equally and without bias.
    - For example, they must not provide facilities or privileges to one belligerent that are denied to another.
5. **Defending Neutrality**:
    - The state has a duty to actively defend its neutral status and prevent violations of its neutrality.
    - This includes maintaining a credible defense capability to deter or respond to any aggression.
6. **Restriction on Military Collaboration**:
    - Neutral states are prohibited from allowing belligerents to use their ports, airports, or other facilities for military purposes.
7. **Monitoring and Controlling Trade**:
    - Neutral states must ensure their trade does not contribute to the war effort of belligerents, especially in relation to contraband goods like weapons or strategic materials.

8. **Compliance with International Law**:
    - Neutral states are required to adhere to international agreements and conventions governing neutrality, such as the Hague Conventions of 1907.
    - They must also ensure that their actions align with customary international law on neutrality.
9. **Promotion of Peaceful Resolution**:
    - Neutral states are often expected to act as mediators or facilitators in international disputes, promoting peaceful resolutions while maintaining impartiality.
10. **Neutrality in Communications and Information**:
    - The neutral state must avoid the dissemination of propaganda or support for any belligerent that could compromise its neutrality.
11. **Prohibition on Military Preparations for Others**:
    - Neutral states are prohibited from preparing military facilities, resources, or troops for the use of a belligerent.

Challenges in Fulfilling These Duties

- **Economic and Trade Relations**: Neutral states may face difficulties maintaining impartial trade practices, particularly if one party perceives their actions as favoring another.
- **Geopolitical Pressures**: Neutral states often navigate complex relationships with powerful neighbors or allies who may try to influence their policies.
- **Defending Neutrality**: Ensuring territorial integrity and sovereignty often requires a strong defense capability, which can be costly.

Examples in Practice

Countries like Switzerland, Austria, and Ireland have maintained their neutral status by adhering to these duties. They actively prevent any military alliances, avoid joining NATO (in the case of Switzerland and Austria), and uphold impartiality in international conflicts while engaging in peace promotion and humanitarian efforts.

3-24 Permanent Neutrality and Membership in the League of Nation

The concept of permanent neutrality and membership in the League of Nations (1919–1946) presented unique opportunities and challenges. The League of Nations, established after

World War I to promote peace and prevent conflicts, was the first global organization where the principles of neutrality interacted with collective security and multilateral diplomacy.

Key Points

1. Compatibility of Neutrality with the League of Nations

- **League Covenant and Neutrality**:
  - The Covenant of the League of Nations required member states to pursue peaceful dispute resolution and refrain from aggression, aligning with the principles of neutrality.
  - However, the League's collective security framework required members to take collective measures against aggressor states, potentially conflicting with neutrality.
- **Neutral States Joining the League**:
  - Many neutral states joined the League, viewing it as a forum to promote peace while preserving their neutral stance.
  - For instance, Switzerland, a staunchly neutral country, was a founding member of the League.

2. Switzerland's Unique Role

- **Special Agreement on Neutrality**:
  - Switzerland negotiated a special status within the League. While it was a full member, its neutral status exempted it from participating in military sanctions against aggressor states.
  - The League's headquarters were established in Geneva, reinforcing Switzerland's role as a neutral hub for international diplomacy.
- **Challenges to Swiss Neutrality**:
  - Despite its neutral status, Switzerland faced criticism for its limited participation in League-enforced sanctions, particularly during the Abyssinia Crisis (1935–1936).

3. Neutral States and Collective Security

- **Tension Between Neutrality and Sanctions**:
  - The League's collective security measures, such as economic or military sanctions, required member states to act against aggressors. This was at odds with the strict impartiality of permanently neutral states.
  - Neutral states often found ways to balance their League commitments with their neutral status, typically by supporting non-military measures like diplomacy or economic aid.

4. Contributions of Neutral States to the League

- **Mediation and Arbitration**:
    - Neutral states played significant roles in the League's arbitration and conciliation processes. Their impartiality made them effective mediators in resolving disputes.
    - For example, neutral states participated in the Permanent Court of International Justice, an institution under the League.
- **Humanitarian and Administrative Contributions**:
    - Neutral states, especially Switzerland, were active in humanitarian initiatives led by the League, such as aiding refugees and combating disease.

5. Challenges and Limitations

- **Collective Security Dilemmas**:
    - The League's reliance on collective security was inherently problematic for neutral states, as it occasionally required taking sides in conflicts.
    - The failure of the League to effectively address major aggressions, such as Japan's invasion of Manchuria (1931) or Italy's invasion of Ethiopia (1935), highlighted the limitations of both the League and the role of neutrality within it.
- **Non-Participation in Military Sanctions**:
    - Neutral states were often criticized for their reluctance to fully engage in the League's enforcement mechanisms, raising questions about their commitment to collective peace.

Examples of Neutral States in the League

- **Switzerland**:
    - A founding member, Switzerland balanced its neutral status with active participation in diplomatic and humanitarian League activities. It withdrew from League military sanctions, maintaining its neutral stance.
- **Sweden and Norway**:
    - These Scandinavian countries joined the League and supported its work while adhering to their neutral foreign policies.
- **Netherlands**:
    - The Netherlands, with a history of neutrality, contributed to the League's arbitration and humanitarian work.

Conclusion

Permanent neutrality and membership in the League of Nations coexisted with some tension. While neutral states actively supported the League's goals of peace and international cooperation, their strict adherence to impartiality sometimes conflicted with the League's collective security obligations. Despite these challenges, neutral states made significant contributions to the League, particularly in mediation, arbitration, and humanitarian efforts. However, the League's inability to enforce its collective security framework and prevent major conflicts ultimately limited its effectiveness, highlighting the constraints of balancing neutrality with international obligations.

3-25 Permanent Neutrality and Membership in the United Nations

A country's status as permanently neutral and its membership in the United Nations (UN) are complementary, as both are rooted in principles of international peace, security, and cooperation. However, there are unique considerations and implications for neutral states participating in the UN.

Key Points

1. Compatibility of Neutrality with UN Membership

- **UN Charter and Neutrality**:
  - The UN Charter does not mandate military participation for its members, allowing neutral states to join without compromising their neutral status.
  - Article 2(4) of the UN Charter aligns with neutrality, emphasizing the prohibition of the use of force and the peaceful settlement of disputes.
- **Active Participation Without Militarization**:
  - Neutral states engage in the UN's diplomatic, humanitarian, and development missions but abstain from military alliances or interventions that could conflict with their neutrality.

2. Contributions to UN Objectives

- **Mediation and Conflict Resolution**:
  - Neutral states often act as impartial mediators in disputes, enhancing the UN's efforts in conflict resolution. For example, Switzerland and Austria have hosted major peace talks under UN auspices.
- **Humanitarian and Development Roles**:
  - Neutral states actively contribute to UN humanitarian missions, peacebuilding, and sustainable development goals (SDGs).

- They provide financial and logistical support to UN agencies without engaging in combat-related operations.

3. Neutrality and Peacekeeping

- **Selective Participation**:
  - Neutral states typically avoid participating in UN peacekeeping missions that involve the use of force.
  - Instead, they contribute through non-combat roles such as medical services, engineering, training, or monitoring missions.
  - For instance, Austria has provided peacekeepers in monitoring missions where force is not a central component.

4. UN Endorsement of Neutrality

- **Recognition and Support**:
  - The UN has explicitly recognized and supported the neutrality of certain states.
  - Turkmenistan's permanent neutrality, for example, was recognized by the UN General Assembly in 1995, highlighting how neutrality can coexist with active UN membership.

5. Challenges for Neutral States

- **Balancing Neutrality with Global Responsibilities**:
  - Neutral states sometimes face challenges in addressing global issues like human rights violations or aggression while maintaining impartiality.
  - Their neutral stance can be interpreted as reluctance to take decisive action, particularly in polarized situations.
- **Pressure in Polarized Conflicts**:
  - Membership in the UN Security Council or other key bodies can put neutral states in positions where they must navigate their neutrality carefully while upholding the UN Charter.

Examples of Neutral States in the UN

- **Switzerland**:
  - Joined the UN in 2002 after a national referendum, despite its long-standing neutrality.
  - Hosts the European headquarters of the UN and numerous specialized agencies, serving as a hub for international diplomacy.

- **Austria**:
    - Became a UN member in 1955 and maintains active participation while adhering to its neutral status, especially in peacekeeping and disarmament initiatives.
- **Turkmenistan**:
    - Its neutrality is a central aspect of its foreign policy, recognized and endorsed by the UN, and the country works closely with the UN on regional stability in Central Asia.

Conclusion

Permanent neutrality and UN membership are compatible and mutually reinforcing. Neutral states bring unique value to the UN by promoting peace, impartial mediation, and humanitarian assistance. While their neutrality imposes constraints on military involvement, it allows them to act as credible advocates for dialogue, cooperation, and adherence to international law. This alignment strengthens the UN's mission of fostering global peace and security.

3-26 Is Permanent Neutrality Always Armed Neutrality?

Permanent neutrality is not always synonymous with armed neutrality. While the two concepts can overlap, they are distinct and context-dependent. The nature of a state's neutrality depends on how it defines and implements its neutral status.

Key Distinctions Between Permanent Neutrality and Armed Neutrality

1. Permanent Neutrality

- **Definition**:
  A political and legal status in which a state commits to refraining from participation in armed conflicts or military alliances, except in self-defense.
- **Key Characteristics**:
    - Focuses on abstention from international wars and military blocs.
    - Recognized and respected by the international community, often through treaties or UN resolutions.
    - It does not inherently require the maintenance of a strong military.
- **Examples**:
    - **Switzerland**: Maintains a strong defense force to uphold neutrality but avoids alliances.

- **Turkmenistan**: Declared a policy of neutrality recognized by the UN but maintains only a modest defense force.

2. Armed Neutrality

- **Definition**:
  A stance where a neutral state maintains a strong military to defend its neutrality against potential violations by other states.
- **Key Characteristics**:
  - Emphasizes military preparedness and deterrence.
  - Signals to other nations that the neutral state will respond forcefully to any breach of its neutrality.
  - Historically associated with maritime conflicts, where states sought to protect their shipping rights.
- **Examples**:
  - **Sweden**: Practiced armed neutrality during World Wars I and II, maintaining a robust military while avoiding direct involvement.
  - **Finland** (during the Cold War): Although not strictly neutral, it adhered to a policy resembling armed neutrality to maintain its sovereignty.

Key Factors Influencing Whether Neutrality is Armed

- **Geopolitical Context**:
  - States in volatile regions may adopt armed neutrality to deter aggression (e.g., Switzerland in Europe).
  - In contrast, states in less conflict-prone areas may rely on diplomacy or international guarantees to uphold their neutrality.
- **Legal Commitments**:
  - Neutrality enshrined in international treaties may include clauses on maintaining defensive capabilities or, conversely, demilitarization.
- **Economic and Strategic Considerations**:
  - Some neutral states choose limited or symbolic armed forces due to economic constraints or lack of perceived threats.
- **Historical Precedents**:
  - The concept of armed neutrality dates back to early modern Europe and maritime conflicts where states sought to protect their shipping.

Examples of Neutral States Without Armed Neutrality

- **Costa Rica**:
  - Declared neutrality in 1949 and abolished its military, relying on international diplomacy and treaties for protection.
- **Liechtenstein**:
  - Maintains no standing army but adheres to neutrality principles through its foreign policy and agreements.

Conclusion

While some permanently neutral states adopt armed neutrality to protect their sovereignty and uphold their neutral status, not all do. The decision depends on geopolitical, legal, historical, and economic factors. Neutrality can range from fully armed deterrence to reliance on international guarantees and diplomacy.

3-3 Neutrality

3-31 Key Rules of Neutrality

The rules of neutrality in international law are designed to maintain the impartiality of neutral states during armed conflicts, protecting their sovereignty while ensuring they do not aid or favor any belligerent. These rules are primarily codified in treaties like the Hague Conventions of 1907, customary international law, and, to some extent, UN principles. Below are the most important rules:

1. Non-Participation in Hostilities

- Neutral states must abstain from participating in any military operations or hostilities between belligerent states.
- They cannot send troops, weapons, or financial support to any party involved in the conflict.
- Example: A neutral state cannot join a coalition or alliance engaged in the conflict.

2. Territorial Inviolability

- Neutral territory is inviolable and must not be used for military purposes by any belligerent.
- This includes:
  - Prohibiting the passage of troops, weapons, or warships.
  - Preventing the establishment of military bases or facilities by belligerents.

- Obligation: Neutral states must defend their borders and prevent their territory from being violated.

3. Equal Treatment of Belligerents

- Neutral states must treat all warring parties equally in terms of trade, diplomacy, and other interactions.
- They cannot favor one side by providing privileges or advantages (e.g., preferential trade deals or allowing one side to use their airspace while denying the other).
- Exception: A neutral state can impose sanctions or restrictions equally on all belligerents.

4. Prohibition of Belligerent Activities on Neutral Territory

- Neutral states must ensure that their territory is not used for:
    - Recruiting soldiers for belligerent forces.
    - Storing or transporting weapons for any side.
- If such activities occur, the neutral state is obligated to stop them and may intern personnel or confiscate materials involved.

5. Internment of Belligerent Forces

- If belligerent troops, ships, or aircraft enter neutral territory, they must be interned to prevent their return to hostilities.
- Weapons and military equipment brought into neutral territory must be impounded.

6. Prohibition of Arms Sales

- Neutral states cannot supply weapons or war materials directly to belligerent states.
- However, trade in non-military goods is generally allowed as long as it is conducted impartially.

7. Self-Defense Rights

- Neutral states retain the right to defend themselves if their neutrality or sovereignty is violated.
- This includes resisting invasions or acts of aggression.

8. Economic Neutrality

- Neutral states must avoid economic activities that compromise their neutrality, such as:
    - Providing loans or financial assistance to belligerents.

- Allowing their economic resources to be used disproportionately by one party.

9. Obligation to Prevent Violations of Neutrality

- Neutral states must actively enforce their neutrality by:
  - Monitoring borders, airspace, and territorial waters.
  - Preventing and punishing individuals or groups within their territory from aiding belligerents (e.g., through recruitment or supplying arms).

10. Respect for Blockades

- Neutral states must respect lawful blockades imposed by belligerent states.
- If a neutral state's ships attempt to breach a recognized blockade, they may be stopped or captured by the blockading force.

11. Neutrality During Maritime Warfare

- Neutral states must respect the rules governing naval warfare:
  - They cannot allow belligerent warships to use their ports for prolonged stays or repairs (beyond necessary repairs for seaworthiness).
  - Belligerents may not use neutral ports as bases for operations.

12. Abstention from Joining Alliances

- Neutral states must avoid joining military alliances or pacts that might compromise their impartiality.
- Permanent neutrality, such as that of Switzerland or Austria, often prohibits joining military blocs like NATO.

13. No Support for Subversive Activities

- Neutral states cannot allow their territory to be used for propaganda, espionage, or other activities designed to aid one belligerent or undermine another.

14. Enforcement by Neutral States

- Neutral states must take necessary measures to enforce these rules within their jurisdiction.
- Failing to uphold neutrality may lead to accusations of partiality and potential retaliation from belligerent states.

Modern Challenges to Neutrality Rules

While these principles remain relevant, modern conflicts and international norms pose challenges:

- **Cyber Neutrality**: States must prevent their infrastructure from being used for cyberattacks by belligerents.
- **UN Obligations**: Under the UN Charter, neutrality may conflict with obligations to impose sanctions or engage in collective security measures.

Conclusion

The rules of neutrality aim to preserve the impartiality and sovereignty of neutral states while ensuring they do not contribute to the escalation of conflicts. These rules place significant responsibilities on neutral states to enforce neutrality within their borders, balancing their rights with obligations to the international community.

3-32 Rights of Neutral States

The rights of neutral states in international law are designed to protect their sovereignty, territorial integrity, and independence while maintaining their non-participation in armed conflicts. These rights are grounded in treaties, customary international law, and principles of state sovereignty. Below are the primary rights of neutral states:

1. Inviolability of Neutral Territory

- Neutral states' territory, including land, airspace, and territorial waters, must not be violated by belligerent forces.
- Belligerent states are prohibited from using neutral territories for military purposes, such as troop movements, the establishment of bases, or launching attacks.

2. Right to Trade

- Neutral states have the right to continue normal trade relations with other states, including belligerents, as long as the trade does not involve contraband goods explicitly restricted under international law.
- Belligerents must respect the commercial activities of neutral states, except in cases of contraband or blockades.

3. Immunity of Neutral Ships and Aircraft

- Neutral merchant ships and civilian aircraft are protected from attack by belligerents.

- Neutral vessels may not be searched, detained, or confiscated unless carrying contraband, breaching a blockade, or engaging in activities inconsistent with neutrality.

4. Freedom of the High Seas

- Neutral states retain the right to navigate the high seas freely.
- Belligerents cannot interfere with neutral ships operating in international waters, except under lawful conditions such as enforcing a recognized blockade.

5. Right to Impose Domestic Regulations

- Neutral states may establish and enforce laws within their territory to ensure their neutrality.
- They may deny access to their ports, airspace, or other facilities to belligerent forces if such access compromises their neutral status.

6. Protection Against Reprisals

- Neutral states have the right to be free from acts of reprisal or retaliation by belligerent states, provided they adhere to their duties of neutrality.

7. Right to Defend Neutrality

- Neutral states have the right to take measures to safeguard their neutrality, including using force to prevent violations of their territory by belligerents.
- Defensive actions are permissible to ensure territorial integrity and maintain peace within their borders.

8. Protection of Neutral Nationals

- Nationals of neutral states are entitled to protection under international law, provided they do not engage in actions that compromise neutrality.
- Neutral nationals in belligerent states are not to be treated as enemies unless they participate directly in hostilities.

9. Right to Decline Involvement in Belligerent Affairs

- Neutral states are not obligated to mediate or involve themselves in disputes or conflicts between belligerent states unless they voluntarily choose to do so under specific circumstances.

10. Preservation of Sovereignty and Independence

- Neutrality ensures that neutral states are not coerced into taking sides or aligning with any belligerent state.
- Neutral states are entitled to respect for their independence and sovereignty during and after conflicts.

These rights are balanced by the corresponding duties of neutral states, ensuring that neutrality is not abused to aid belligerents indirectly. The codification of these rights in documents like the Hague Conventions of 1907 and customary international law underscores their importance in maintaining international peace and stability.

3-321 Inviolability of Neutral Territory

The inviolability of neutral territory is a fundamental principle of international law that ensures the sovereignty and territorial integrity of neutral states during armed conflicts. It is enshrined in various international treaties and customary international law. Below is a detailed explanation:

Definition of Neutral Territory

Neutral territory includes:

- Land territory of a neutral state.
- Airspace above its land and maritime territory.
- Maritime zones, such as territorial seas, under the control of a neutral state.

Key Principles of Inviolability

1. **Prohibition of Hostilities in Neutral Territory:**
    - Belligerent states must not engage in any acts of war (e.g., attacks, skirmishes, or sabotage) on or within the territory of a neutral state.
2. **Prohibition of Troop Movements and Bases:**
    - Belligerents are not allowed to move troops, establish military bases, or conduct military operations from neutral territory.
3. **Respect for Neutral Airspace:**
    - Military aircraft of belligerent states must not use the airspace of neutral states for transit, reconnaissance, or attacks.
4. **Prohibition of Naval Actions in Neutral Waters:**
    - Belligerent warships must not carry out combat operations, such as attacks or blockades, within the territorial waters of a neutral state.

Obligations of Neutral States

While neutral states have the right to inviolability of their territory, they also have certain obligations:

1. **Prevent Violations of Neutrality:**
    - Neutral states must prevent their territory from being used by belligerents for military purposes, such as supplying troops or launching attacks.
2. **Impartial Enforcement:**
    - Neutral states must enforce their neutrality equally among all belligerents, avoiding favoritism.

Relevant Legal Frameworks

1. **Hague Convention V (1907):**
    - Article 1: Neutral powers must not allow their territory to become a theater of war.
    - Article 2: Belligerents are forbidden to move troops, munitions, or supplies through neutral territory.
2. **Hague Convention XIII (1907):**
    - Article 25: Neutral waters must not be used by belligerent ships for hostilities.
3. **United Nations Charter (1945):**
    - The principles of sovereignty and territorial integrity underpin the inviolability of neutral territory.

Consequences of Violating Neutrality

Violations of neutral territory can lead to:

1. **International Protest:**
    - The neutral state may lodge formal complaints and demand reparations.
2. **Countermeasures:**
    - The neutral state may take lawful measures to defend its sovereignty, such as detaining belligerent troops or confiscating military equipment.
3. **Escalation of Conflict:**
    - If violations persist, the neutral state may abandon neutrality and take sides, potentially broadening the conflict.

Historical Examples

- **World War I and II:** Several violations of neutral territories (e.g., German invasion of Belgium in 1914, a neutral state) provoked broader international reactions.

- **Cold War Era:** Neutral airspace violations by reconnaissance flights and incursions were common points of tension.

By ensuring the inviolability of neutral territory, international law aims to limit the spread of conflict and uphold the sovereignty of states not involved in hostilities.

3-322 Right to Trade

The right to trade of neutrals in international law refers to the principles and rules that govern the ability of neutral states (those not involved in an armed conflict) to engage in trade during wartime. This right is an important aspect of international law and is aimed at balancing the interests of neutral and belligerent states. Below are the key elements that entail the right to trade of neutrals:

1. Freedom of Commerce
Neutral states have the right to engage in trade with any nation, including belligerent states, as long as such trade does not directly assist the war effort of a belligerent.

2. Prohibition of Contraband Trade

- Neutrals are generally prohibited from trading certain goods considered contraband—items directly useful for war (e.g., weapons, ammunition, military supplies).
- The definition of contraband is often outlined in international agreements or declared by belligerents but should respect customary international law.

3. Blockade Rules

- Neutral states must respect lawful blockades imposed by belligerents, provided such blockades are effective, publicly declared, and non-discriminatory.
- Attempts by neutrals to breach a blockade could lead to the seizure of their ships or goods.

4. Right to Freedom of Navigation
Neutral ships are entitled to navigate freely on the high seas, except in areas where a lawful blockade is enforced or in violation of other established rules of war.

5. Immunity from Capture

- Neutral merchant vessels are generally immune from capture unless they are carrying contraband, attempting to breach a blockade, or engaging in unneutral service (e.g., acting as supply ships for a belligerent).

6. Neutrality Duties

Neutral states are obligated to:

- Avoid taking sides or providing direct assistance to belligerents.
- Prevent their territory from being used for hostile operations or as a base for military activities by belligerents.

7. Reprisals and Enforcement Measures

- Belligerents may take measures against neutral ships violating neutrality rules, such as seizing contraband cargo.
- These measures are subject to adjudication in prize courts, which determine the legality of seizures under international law.

8. Key Legal Instruments and Principles

The right to trade of neutrals is shaped by various legal sources, including:

- **The Hague Conventions (1907):** Address issues of neutrality and maritime warfare.
- **Customary International Law:** Practices consistently followed by states out of a sense of legal obligation.
- **United Nations Charter (1945):** Though not specifically addressing neutrality, it underpins modern international legal frameworks regarding state sovereignty and peace.

9. Contemporary Challenges

In modern conflicts, issues like sanctions, dual-use goods (items with both civilian and military applications), and cyber trade complicate the traditional principles of neutrality. These developments require continuous interpretation and evolution of international law to maintain the balance between neutrality and security.

3-323 Immunity of Neutral Ships and Aircrafts

The immunity of neutral ships and aircraft is a principle in international law that protects the vessels and aircraft of neutral states from interference by belligerent states during armed conflicts. This immunity, however, is not absolute and is subject to conditions and exceptions

based on the circumstances of the conflict and the nature of the neutral vessel or aircraft's activities.

Key Aspects of Immunity for Neutral Ships and Aircraft

1. General Principle of Immunity

- Neutral ships and aircraft are entitled to operate freely in international waters and airspace during conflicts, provided they do not engage in activities that favor one of the belligerents.
- Immunity applies to both public (state-owned) and private neutral vessels and aircraft, although the rules differ slightly for each.

2. Immunity for State-Owned Ships and Aircraft

- **Warships and Military Aircraft**: Neutral warships and military aircraft enjoy complete immunity from capture, search, or interference by belligerents, even in enemy-controlled areas. This immunity stems from their representation of the neutral state's sovereignty.
- **Government-Operated Non-Military Ships/Aircraft**: Non-military vessels and aircraft operated by the neutral state (e.g., for humanitarian or transport purposes) are generally immune, provided they are not engaged in activities that violate neutrality.

3. Immunity for Private Neutral Ships and Aircraft

- Private merchant vessels and commercial aircraft of neutral states are generally immune from capture and interference when engaged in lawful trade or travel.
- However, this immunity is conditional and may be revoked if they:
    - Carry contraband (goods useful in war, such as weapons or ammunition).
    - Attempt to breach a lawful blockade.
    - Are engaged in unneutral service (e.g., acting as supply ships for a belligerent or carrying troops).
    - Are chartered or requisitioned by a belligerent for its war effort.

4. Right of Visit and Search

- Belligerents have the right to stop and search neutral merchant ships on the high seas to verify their neutrality and ensure they are not carrying contraband or breaching blockades.
- Neutral ships must comply with such searches; resistance may forfeit their immunity.

5. Contraband and Prize Law

- If contraband is found on a neutral ship, the belligerent may seize the contraband cargo and, in some cases, the ship itself.
- The legality of such actions is subject to adjudication in prize courts, which determine whether the seizure aligns with international law.

6. Blockades

- Neutral ships and aircraft lose their immunity if they attempt to breach a lawful blockade imposed by a belligerent.
- Blockades must be:
    - Declared publicly.
    - Effective (i.e., enforced by sufficient naval or air power).
    - Non-discriminatory (applied equally to all neutral states).

7. Unneutral Service

Neutral ships or aircraft that assist a belligerent (e.g., by transporting troops, weapons, or intelligence) lose their immunity and may be treated as enemy vessels or aircraft.

8. Special Protection for Certain Activities

- Neutral vessels and aircraft engaged in humanitarian missions (e.g., delivering medical supplies or evacuating civilians) are afforded special protection under international law. However, such missions must be clearly marked and not used as cover for military activities.

9. Airspace Considerations

- Neutral aircraft are generally entitled to operate in international airspace, but their immunity is limited in areas of active conflict.
- Belligerents may impose restrictions on overflights in conflict zones for security reasons.
- Neutral aircraft carrying contraband or assisting a belligerent may lose their immunity and be subject to interception or seizure.

Key Legal Instruments

1. **The Hague Conventions of 1907**: Provide foundational rules on neutrality, including protections for neutral vessels.
2. **San Remo Manual on International Law Applicable to Armed Conflicts at Sea (1994)**: Codifies modern principles for naval warfare, including neutral ship immunity.

3. **Chicago Convention on International Civil Aviation (1944)**: Addresses the rights and protections of neutral civil aircraft in international airspace.
4. **UN Charter (1945)**: Establishes broader principles of state sovereignty and neutrality.

Contemporary Challenges

1. **Dual-Use Goods**: Neutral ships or aircraft carrying goods with both civilian and military applications may face scrutiny or loss of immunity.
2. **Cyber Interference**: The rise of cyber warfare complicates traditional notions of neutrality, as neutral states may be drawn into conflicts via cyberattacks on their vessels or aircraft.
3. **Hybrid Warfare**: Blurred lines between civilian and military roles (e.g., commercial drones used for reconnaissance) pose challenges to immunity rules.

3-324 Freedom of the High Seas

The Freedom of the High Seas is a fundamental principle of international law, enshrined in instruments such as the United Nations Convention on the Law of the Sea (UNCLOS). This principle provides for the freedom of navigation, overflight, fishing, scientific research, and laying submarine cables and pipelines. For neutral states, this right is particularly significant in the context of armed conflicts and their relationships with belligerent states. Below are the main aspects of the Freedom of the High Seas as a right of neutrals in international law:

1. Freedom of Navigation

Neutral states have the right to navigate freely on the high seas without interference from belligerent states. This includes the transportation of goods and passengers, provided such activities do not support a belligerent party in ways that violate neutrality, such as carrying contraband or engaging in unneutral service.

2. Immunity from Interference

Neutral vessels on the high seas are generally immune from interference by belligerent powers. However, belligerents may conduct visit and search operations under certain conditions to ensure neutral vessels are not carrying contraband or breaching blockades. These operations must be conducted in accordance with international law and with respect for the rights of neutral states.

3. Prohibition of Hostilities

The high seas are not subject to the sovereignty of any state. Thus, neutral states have the right to demand that the high seas remain a zone of peace for their vessels and citizens, except in areas where hostilities are being conducted lawfully under international law.

4. Economic Activities

Neutral states may continue to engage in lawful economic activities, such as fishing, shipping, and laying submarine cables, even during armed conflicts. Belligerents are required to respect these activities as long as they do not directly contribute to a war effort.

5. Protection of Neutral Flag

Ships flying the flag of a neutral state are entitled to protection against attack or seizure, except under specific circumstances like carrying contraband. This principle reinforces the right of neutral states to operate freely on the high seas without undue interference.

6. Limitations in Wartime

While neutrals have significant freedoms, these are subject to limitations:

- **Contraband and Blockades:** If neutral vessels are found carrying contraband (goods destined for a belligerent's war effort), they may be subject to capture or seizure.
- **Neutral Duties:** Neutral states are obligated to avoid aiding belligerents. Activities like transporting troops or weapons, or violating blockades, would breach the duties of neutrality.

7. Environmental and Scientific Freedoms

Neutral states retain the right to conduct scientific research and participate in environmental protection activities on the high seas, as long as these do not interfere with the ongoing conflict or violate neutrality laws.

Legal Foundations

- **UNCLOS (1982):** Codifies the rights and freedoms of states on the high seas.
- **Hague Conventions (1907):** Outlines the rights and duties of neutral states during wartime.
- **Customary International Law:** Provides additional context and precedence for the rights of neutrals on the high seas.

In essence, the Freedom of the High Seas guarantees neutral states significant operational liberties while imposing reciprocal obligations to respect the neutrality and rights of other states and belligerents. It underscores the balance between sovereign independence and the collective good in international maritime law.

3-325 Right to Impose Domestic Regulations

The right of neutrals to impose domestic regulations in international law refers to the principle that neutral states, those not participating in an armed conflict, are entitled to regulate activities within their jurisdiction to maintain their neutrality and ensure compliance with international law. This right is recognized to prevent the escalation of conflict and to safeguard the sovereignty of neutral states. Here are the main aspects:

1. Basis in International Law

- **Hague Conventions of 1907:** The Hague Convention (V) concerning the Rights and Duties of Neutral Powers and Persons in Case of War on Land and Hague Convention (XIII) concerning the Rights and Duties of Neutral Powers in Naval War outline the obligations and rights of neutral states.
- **Customary International Law:** The principles of neutrality are also recognized under customary international law and require states to remain impartial and prevent their territory from being used to benefit any belligerent party.

2. Scope of Domestic Regulations

Neutral states may impose domestic regulations to:

- **Prevent violations of neutrality:** This includes prohibiting belligerent powers from recruiting soldiers, establishing bases, or using the neutral state's territory for military operations.
- **Regulate trade:** Neutral states may restrict or regulate the trade of contraband goods (e.g., weapons) to belligerents.
- **Control access to ports and airspace:** Neutral states can limit or deny access to their ports, territorial waters, and airspace to belligerent warships or aircraft.
- **Implement sanctions or embargoes:** Neutral states may enforce domestic laws restricting economic activities that support one side of a conflict, provided they do so impartially.

3. Key Obligations of Neutral States

To maintain their neutrality, states must:

- **Remain impartial:** A neutral state cannot favor one belligerent over another.
- **Prevent violations by third parties:** Neutral states must prevent their territory from being used as a base for hostile actions or as a passage for troops or supplies.
- **Enforce domestic laws:** Neutral states have the right and duty to enforce domestic regulations that uphold their neutral status.

4. Enforcement of Domestic Regulations

Neutral states can:

- **Impose penalties:** Violation of domestic neutrality laws by individuals or belligerents may result in fines, imprisonment, or expulsion.
- **Seize contraband:** A neutral state may confiscate goods considered contraband under international law if they are intended to aid a belligerent.
- **Detain vessels or aircraft:** Neutral states can detain or expel vessels and aircraft violating neutrality regulations.

5. Challenges and Limitations

- **Retaliation by Belligerents:** Neutral states may face pressure or retaliation from belligerents for imposing regulations perceived as unfavorable.
- **Economic Impacts:** Trade restrictions may affect the neutral state's economy.
- **Complexity of Enforcement:** Ensuring compliance with neutrality laws, especially in globalized trade and technological warfare, can be challenging.

6. Modern Implications

In contemporary contexts, neutral states may regulate activities like:

- **Cyber operations:** Preventing their territory or infrastructure from being used for cyberattacks in conflicts.
- **Financial transactions:** Ensuring compliance with international sanctions and preventing money laundering for belligerents.

The right of neutrals to impose domestic regulations is a critical mechanism for maintaining neutrality and upholding the broader framework of international peace and security.

3-326 Protection Against Reprisals

In international law, the right of neutrals to protection against reprisals refers to the principle that neutral states, entities, or individuals should be safeguarded from retaliatory actions (reprisals) during armed conflicts, provided they maintain their neutrality and do not assist any belligerent party in ways that breach neutrality.
Here's a breakdown of what this entails:

1. Definition of Neutrality

Neutrality refers to a state or entity's position of non-participation in an ongoing armed conflict between other states. Neutral parties are bound by international law, specifically:

- Hague Conventions of 1907 (especially the Convention Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land and the Convention on Maritime Warfare).
- Customary international law.

Neutrality obligates the neutral state to:

- Refrain from participating in hostilities.
- Deny its territory for use in hostilities by belligerents.
- Treat all belligerents impartially.

2. Protection from Reprisals

Reprisals are retaliatory actions taken by a belligerent state against another party to enforce compliance with international obligations. For neutrals, protection against reprisals is subject to the following principles:

A. Compliance with Neutrality Rules

Neutrals are entitled to protection only if:

- They respect and adhere to their obligations of neutrality.
- They do not permit their territory to be used for hostile activities.
- They do not provide military aid to any belligerent.

B. Limits on Reprisals

Under international law, reprisals must comply with certain legal and ethical boundaries:

- Reprisals must be a response to a serious breach of international law by the neutral party.
- Reprisals must be proportionate to the violation.
- They must not target civilians or objects protected under international humanitarian law (IHL).
- They must respect the principles of necessity and proportionality.

C. Prohibition of Unlawful Reprisals

Unlawful reprisals against neutrals may include:

- Targeting neutral shipping or aircraft without justification.
- Seizing neutral property without cause.
- Conducting military actions in neutral territory.

3. Relevant Protections

Neutral states and individuals enjoy specific protections under:

- **Hague Convention V (1907):** Protects neutral territory and prohibits belligerents from using it for military operations.
- **Hague Convention XIII (1907):** Provides protections for neutral merchant ships.
- **Geneva Conventions (1949):** Indirectly reinforces neutral protections by emphasizing the distinction between combatants and non-combatants and prohibiting unlawful reprisals.

4. Violations and Consequences

If a belligerent unlawfully conducts reprisals against a neutral:

- The neutral party has the right to protest or seek redress through diplomatic or international legal mechanisms.
- The offending state could face accountability through international courts, such as the International Court of Justice (ICJ) or arbitration tribunals.
- Such acts may escalate into broader conflicts or jeopardize the belligerent's legitimacy.

Conclusion

The right of neutrals to protection against reprisals underscores the principle of impartiality in international law and seeks to shield non-belligerents from the consequences of war. However, this protection is contingent upon strict adherence to the duties of neutrality. Any deviation or breach can invite justifiable reprisals, provided they adhere to the principles of necessity, proportionality, and legality.

3-327 Right to Defend Neutrality

The right to defend neutrality in international law refers to the principle that a neutral state is entitled to take reasonable measures to safeguard its neutrality and ensure that it is not drawn into an armed conflict between belligerent parties. This right is grounded in the

obligations and protections outlined in customary international law and codified treaties such as the Hague Conventions of 1907.

Key Elements of the Right to Defend Neutrality:

1. The Obligation to Remain Neutral

Under international law, a neutral state must adhere to the duties of neutrality, including:

- Non-participation in hostilities.
- Prohibition of allowing belligerent states to use its territory for military purposes.
- Impartiality in its relations with the belligerent parties.

In return, neutral states have the right to:

- Expect their neutrality to be respected by belligerents.
- Take lawful actions to maintain their neutral status.

2. Justification for Defending Neutrality

When a neutral state's rights are violated or threatened by a belligerent party, the state has the right to take defensive measures. This includes responding to:

- **Invasions** or breaches of territorial sovereignty by belligerent forces.
- **Use of its territory** (land, airspace, or waters) for military operations.
- **Economic pressures** or coercive measures that aim to compromise its neutral position.

3. Permissible Actions to Defend Neutrality

A neutral state may undertake certain actions to protect its neutrality, provided they comply with international law:

A. Use of Force

- A neutral state may use force in self-defense to protect its territorial integrity and sovereignty.
- This right is recognized under Article 51 of the UN Charter, which allows for self-defense against armed attacks, including those violating neutrality.

B. Enforcement of Neutrality Laws

Neutral states can adopt and enforce domestic laws to prevent violations of neutrality, such as:

- Restricting belligerent warships from entering or using its ports.
- Detaining individuals or equipment involved in activities that breach neutrality.
- Regulating the export of arms or war materials to belligerent states.

C. Diplomatic Protests

- Neutral states can issue formal protests to belligerents to demand compliance with neutrality laws and respect for their status.

D. Assistance from International Bodies

- Neutral states can seek support from international organizations, such as the United Nations, to protect their neutrality.

4. Limitations on Defending Neutrality

While neutral states have the right to defend their status, there are limitations on how this can be done:

- Actions must be proportionate and necessary to the threat posed.
- Neutral states must avoid measures that align them with one of the belligerent parties.
- Any use of force must be defensive, not offensive, and in line with international humanitarian law.

5. Examples of Defending Neutrality

Some practical examples include:

- **Switzerland during World War II:** Switzerland deployed its military to safeguard its borders and issued strict neutrality regulations, including restrictions on overflights by belligerent aircraft.
- **Sweden in modern conflicts:** Sweden has maintained military readiness and patrolled its territorial waters and airspace to prevent incursions, even while maintaining a neutral status.

6. Violations of Neutrality and Remedies

If a belligerent violates a neutral state's rights:

- The neutral state may take proportional countermeasures to restore its neutrality.
- It can seek remedies through international tribunals, such as the International Court of Justice (ICJ) or through diplomatic channels.
- If the violation constitutes an armed attack, the neutral state may invoke its right to self-defense under international law.

7. Conclusion

The right to defend neutrality is a critical aspect of maintaining the balance of rights and duties under international law. It ensures that neutral states are not passive victims in conflicts but active protectors of their sovereignty and impartiality. However, this right must

be exercised responsibly and in compliance with international norms to avoid escalation or unintended alignment with belligerent parties.

3-328 Protection of Neutral Nationals

The right of protection of neutral nationals in international law entails the safeguarding of the rights, property, and interests of nationals of neutral states during armed conflicts. This principle is derived from customary international law, treaties, and jurisprudence. It is designed to balance the rights of neutral parties with the rights and obligations of belligerent states engaged in conflict. Key elements of this right include:

1. Neutrality of Nationals

- Nationals of neutral states are not considered parties to the conflict and are expected to refrain from actions that could compromise their neutrality (e.g., providing military aid to belligerents).
- Neutral nationals residing in belligerent states or conflict zones retain their status as neutrals but must comply with the laws of the state where they reside.

2. Protection of Life and Property

- Neutral nationals have the right to protection of their lives and property. Belligerent states are obligated to respect their rights unless neutrality is breached.
- In the case of occupation, the Hague Regulations of 1907 and the Fourth Geneva Convention (1949) impose duties on occupying powers to protect the property and personal rights of neutral nationals.

3. Non-Seizure of Property

- Property belonging to neutral nationals is generally protected against seizure or destruction by belligerent states unless it directly contributes to the war effort (e.g., contraband or war materials). Even then, compensation or due process is typically required.

4. Freedom of Trade and Navigation

- Neutral nationals have the right to trade and engage in commerce with belligerent and neutral states, provided such trade does not violate rules on contraband or contribute directly to the war effort.
- International conventions like the Declaration of Paris (1856) and the Hague Conventions outline specific rules for trade and maritime navigation.

5. Diplomatic Protection

- Neutral states have the right to extend diplomatic protection to their nationals when their rights are violated by a belligerent state.
- This could include protests, demands for reparations, or actions through international dispute resolution mechanisms.

6. Limitations and Obligations

- Neutral nationals must avoid engaging in activities that would compromise their neutrality, such as serving in a foreign military or aiding a belligerent. Violation of neutrality could result in loss of protection and legal consequences.
- Belligerent states may intern neutral nationals suspected of engaging in activities detrimental to their security, provided due process and humane treatment are observed.

Legal Instruments Supporting This Right

- **The Hague Conventions (1899 and 1907):** Particularly the Convention on the Rights and Duties of Neutral Powers and Persons in War on Land (Hague V) and at Sea (Hague XIII).
- **Geneva Conventions (1949):** Provide specific protections for civilians, including neutral nationals in occupied territories.
- **Customary International Law:** Broad principles of neutrality and proportionality.

Key Challenges in Practice

- Defining contraband and dual-use goods in modern warfare.
- Navigating the rights of neutral nationals in asymmetric conflicts involving non-state actors.
- Balancing state security concerns with individual rights in areas of active conflict.

In essence, the protection of neutral nationals seeks to preserve the fundamental principle of neutrality while ensuring their basic human rights and legal protections during times of war.

3-329 Additional Rights

3-329.1 Right to Decline Involvement in Belligerent Affairs

The right of neutrals to decline involvement in belligerent affairs is a principle rooted in international law, particularly in the law of neutrality, which governs the rights and duties of neutral states during armed conflicts. This principle allows neutral states to maintain their

impartiality and avoid being drawn into the hostilities. Below are the main elements entailed in this right:

1. Impartiality

Neutral states are required to treat all belligerent parties equally and must not provide any preferential treatment or support to one party over another. This impartiality is key to maintaining their neutral status.

- **Prohibition of Military Support:** Neutrals cannot supply arms, ammunition, or military equipment to any belligerent.
- **Equal Treatment:** Trade and commerce with belligerents must not favor one side in a way that breaches neutrality.

2. Sovereign Rights

Neutral states have the right to exercise their sovereignty by declining any participation in the conflict.

- **No Obligation to Support Belligerents:** Neutrals are not required to provide resources, facilities, or assistance to any belligerent party.
- **Right to Refuse Belligerent Troops or Ships:** Neutrals can deny belligerent forces access to their territory, including land, sea, and airspace.

3. Prohibition of Belligerent Acts on Neutral Territory

Belligerent states are prohibited from conducting hostile acts or using neutral territory for military purposes, such as:

- Establishing military bases or facilities.
- Engaging in combat, espionage, or other military activities.
- Using neutral ports, harbors, or airspace for military operations.

4. Freedom of Trade and Commerce

Neutrals have the right to continue trade and commerce with other states, including belligerents, provided this trade does not involve contraband or violate blockades established under international law.

- **Contraband:** Certain goods (e.g., arms or war materials) may be restricted from being traded with belligerents.
- **Blockades:** Neutrals must respect lawful blockades but are not required to enforce them.

5. Right to Self-Defense

Neutral states retain the inherent right to defend their territory and sovereignty if violated by belligerents. For example:

- If a belligerent attempts to use neutral territory as a base for military operations, the neutral state may take defensive measures.

6. Obligation to Enforce Neutrality

While neutrals have the right to avoid involvement, they also have certain obligations:

- **Prevent Belligerent Violations:** Neutral states must prevent belligerents from using their territory or resources to further the conflict.
- **Adopt Domestic Measures:** Neutrals may implement domestic legislation or administrative measures to ensure compliance with neutrality obligations.

Key Sources in International Law

- **The Hague Conventions (1907):** Particularly Convention V (Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land) and Convention XIII (Concerning the Rights and Duties of Neutral Powers in Naval War).
- **Customary International Law:** Principles that have emerged through state practice and opinio juris.
- **United Nations Charter (1945):** Although primarily focusing on collective security, the Charter recognizes the sovereignty of states and the right of states not to be drawn into conflicts.

In summary, the right of neutrals to decline involvement in belligerent affairs reflects a balance between their sovereignty, the principles of impartiality, and their responsibilities to prevent their resources and territory from being used in furtherance of hostilities.

3-329.2 Preservation of Sovereignty and Independence

The right of neutrals to preserve their sovereignty and independence is a cornerstone of international law and is primarily concerned with maintaining the rights and obligations of states that choose to remain neutral during armed conflicts. This principle is enshrined in various international treaties, customary international law, and legal doctrines. Here’s an outline of what this entails:

1. Definition of Neutrality

Neutrality refers to a state's decision to abstain from participating in an armed conflict between other states. A neutral state is expected to maintain impartiality and not support any party in the conflict, directly or indirectly.

2. Rights of Neutral States

Neutral states enjoy several rights to ensure the preservation of their sovereignty and independence:

a. Territorial Integrity

Neutral states have the right to territorial inviolability, meaning their land, airspace, and waters cannot be violated by belligerent states. This includes:

- Prohibition of military operations on neutral territory.
- Prohibition of transit by military forces or supplies.

b. Freedom from Belligerent Influence

Neutral states cannot be coerced or pressured into joining a conflict or taking sides. This is vital for the preservation of their independence.

c. Trade and Economic Activities

Neutral states can continue their normal trade and economic activities, provided they do not violate the principles of impartiality or international sanctions. However, trade in contraband goods (e.g., weapons) with belligerents may lead to restrictions or consequences.

d. Diplomatic Independence

Neutrals have the right to maintain diplomatic relations with belligerents and other states without interference.

3. Obligations of Neutral States

To preserve their rights, neutral states must also adhere to specific obligations:

a. Impartiality

Neutral states must not favor one belligerent over another. This includes refraining from providing military support, intelligence, or other forms of assistance.

b. Non-Intervention

Neutral states must not interfere in the internal or external affairs of belligerents related to the conflict.

c. Prevention of Use of Territory

Neutral states must ensure their territory is not used as a base for military operations or other acts of war.

4. Legal Framework

The rights and obligations of neutrals are codified in various international legal instruments, such as:

- **Hague Conventions of 1907**, especially:
  - Convention V: Rights and Duties of Neutral Powers in Case of War on Land.
  - Convention XIII: Rights and Duties of Neutral Powers in Naval War.
- **United Nations Charter (1945)**:
  - While neutrality is not explicitly mentioned, the principle of state sovereignty and the prohibition of aggression (Article 2(4)) are relevant.
- **Customary International Law**:
  - Recognizes the rights of neutral states to sovereignty and independence.

5. Challenges to Neutrality

Modern international relations and conflicts pose challenges to neutrality:

- Increased interdependence makes total neutrality difficult to maintain.
- Hybrid warfare and non-traditional threats, like cyberattacks, blur the lines between neutrality and involvement.
- Sanctions and economic pressures can undermine a neutral state's independence.

6. Case Examples

- **Switzerland**: Long-standing policy of neutrality, adhering strictly to the principles outlined above.
- **Sweden and Finland (pre-2022 NATO accession debates)**: Historically neutral, their policies reflected a balance between maintaining sovereignty and engaging in international security frameworks.

In essence, the right of neutrals for the preservation of sovereignty and independence hinges on their ability to act impartially and enforce their territorial and political independence while being recognized and respected by belligerents. This balance is crucial for maintaining international order and stability.

3-33 Duties of Neutral States

The duties of neutral states in international law are established to ensure they maintain impartiality and refrain from supporting any belligerent parties in armed conflicts. These

duties aim to protect the integrity of neutrality and prevent neutral states from inadvertently becoming parties to a conflict. Below are the key duties of neutral states:

1. Duty of Non-Participation in Hostilities

- Neutral states must abstain from participating in armed conflicts between other states.
- They cannot provide military support, troops, or resources to any belligerent.

2. Prohibition of Allowing Belligerent Actions on Neutral Territory

- Neutral states must prevent their territory, airspace, and territorial waters from being used by belligerents for military purposes, including:
    - Troop movements.
    - Establishing military bases.
    - Launching attacks or conducting surveillance.
- Neutral ports and airfields may not be used by belligerents for rearming or resupplying their forces.

3. Obligation to Prevent Recruitment

- Neutral states must prevent the recruitment of troops, mercenaries, or other personnel for belligerents within their territory.
- Recruitment efforts by belligerents on neutral soil are a violation of neutrality, and the state must act to stop such activities.

4. Equal Treatment of Belligerents

- Neutral states must treat all belligerents impartially to avoid favoritism or indirect involvement in the conflict.
- This includes applying the same rules to the access of belligerent warships to neutral ports or the handling of contraband.

5. Control Over Neutral Ports and Waters

- Neutral states must regulate the use of their ports and waters to ensure they are not used for war-related activities by belligerents.
- Belligerent warships may only enter neutral ports for limited purposes, such as repairs or safety, and must leave within a specific time frame, as outlined in international law.

6. Prohibition on the Supply of War Material

- Neutral states must not supply arms, ammunition, or other war materials to any belligerent.
- Trade in contraband goods is restricted, and neutral states must regulate their markets to prevent such transactions.

7. Duty to Enforce Neutrality

- Neutral states must take necessary measures to enforce neutrality within their jurisdiction, including:
    - Adopting and enforcing domestic laws to ensure compliance with international neutrality obligations.
    - Preventing private entities or individuals within the state from acting in ways that violate neutrality (e.g., private arms sales to belligerents).

8. Prevention of Espionage and Sabotage

- Neutral states must not permit their territory to be used for espionage, sabotage, or other activities that favor one belligerent over another.

9. Restriction on Communication Facilities

- Neutral states must ensure that their communication infrastructure (e.g., telegraph, telephone, internet) is not used by belligerents for military purposes.
- Restrictions should apply equally to all belligerents.

10. Duty to Defend Neutral Status

- Neutral states must defend their neutrality actively, taking necessary steps to resist violations by belligerents.
- This may include military or diplomatic measures to preserve sovereignty and neutrality.

11. Obligation Not to Block Neutral Commerce

- Neutral states must not interfere with the lawful trade of other neutral states or take actions that hinder global commerce, except as allowed by international law.

Codification of Neutrality Duties

The duties of neutral states have been codified in international treaties such as:

- **The Hague Conventions of 1907**:
    - Hague Convention V (Neutral Powers in Land Warfare).

    - Hague Convention XIII (Neutrality in Naval Warfare).
- **Customary International Law**: Many of these principles have become binding norms in international relations.

Neutrality is a cornerstone of maintaining peace and order during armed conflicts. While it provides states with rights to remain uninvolved, the duties of neutrality are equally significant in ensuring that this position does not inadvertently aid or harm belligerents.

3-331 Duty of Non-Participation in Hostilities

The duty of neutrals of non-participation in hostilities in international law refers to the obligations of neutral states during armed conflicts. These obligations are codified in various international treaties and customary international law. The key principles and duties are as follows:

1. Prohibition on Direct Participation in Hostilities
Neutral states must refrain from any direct involvement in hostilities between warring parties. This includes:

- Not providing troops or military personnel to any party in the conflict.
- Not allowing their territory to be used as a base of operations or for military actions by any belligerent state.

2. Non-Supply of Military Support
Neutral states are prohibited from:

- Supplying arms, ammunition, or other war materials to belligerent states.
- Allowing their industries to be used for manufacturing military supplies specifically for the conflict.

3. Duty to Prevent Violations of Neutrality
Neutral states must ensure that their territory is not used for activities that would compromise their neutrality, including:

- Preventing belligerent states from recruiting soldiers or conducting military operations within their borders.
- Denying passage through their territory to troops, convoys, or other military forces.

4. Equal Treatment of Belligerents

Neutral states must treat all parties to the conflict equally. This principle entails:

- Permitting or denying the use of neutral ports or airspace to all belligerents without discrimination.
- Applying restrictions on trade or other activities uniformly to all parties in the conflict.

5. Obligation Not to Allow Territorial Use

Neutral states must ensure their territory is not used for:

- Staging military operations.
- Hosting combatants or prisoners of war.

6. Enforcement Measures

Neutral states are obligated to take measures to enforce their neutrality, including:

- Interning troops or individuals from belligerent states who enter their territory.
- Seizing goods or vessels that violate the laws of neutrality.

Legal Framework

The primary legal instruments governing the duty of neutrals include:

1. **Hague Conventions of 1907**:
    - Hague Convention V: Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land.
    - Hague Convention XIII: Concerning the Rights and Duties of Neutral Powers in Naval War.
2. **Geneva Conventions and Additional Protocols**: While primarily focused on humanitarian issues, these conventions also impact the obligations of neutrals, particularly regarding the treatment of individuals affected by the conflict.

Exceptions and Challenges

Neutrality can be complex in practice due to:

- The rise of non-state actors and hybrid warfare, making traditional neutrality difficult to maintain.
- Conflicts where international organizations (e.g., the United Nations) may call for collective action, potentially overriding neutrality obligations.

By adhering to these principles, neutral states contribute to limiting the scope of hostilities and preserving the integrity of international law.

3-332 Prohibition of Allowing Belligerent Actions on Neutral Territory

The duty of neutrals to prohibit belligerent actions on neutral territory is a fundamental principle in international law, rooted in the concept of neutrality during armed conflict. It is primarily codified in the Hague Conventions of 1907 (Convention V, concerning the rights and duties of neutral powers and persons in case of war on land, and Convention XIII, concerning neutral powers in naval war). This duty includes several obligations aimed at preserving neutrality and preventing the use of neutral territory for hostile purposes. Below are the key aspects:

1. Prohibition of Hostile Acts on Neutral Territory

Neutral states are obligated to prevent their territory (land, sea, or airspace) from being used as a base for hostilities or other military operations. This includes:

- Preventing the establishment of military bases or depots.
- Prohibiting the launch or support of military attacks from within neutral borders.
- Denying belligerents the use of infrastructure like ports, roads, or airfields for military purposes.

2. Internment of Belligerent Troops

If belligerent forces (troops or individuals) enter neutral territory, the neutral state must:

- Disarm and intern them away from ongoing hostilities for the duration of the conflict.
- Prevent their further participation in the war.

This ensures that neutral territory does not indirectly support one side of the conflict.

3. Restrictions on Belligerent Naval Vessels

Under Hague Convention XIII, neutral states must regulate the presence and activities of belligerent warships in their ports and waters, including:

- Limiting the number of warships from a single belligerent state allowed in neutral waters simultaneously.
- Restricting their stay to a maximum of 24 hours (unless extended due to damage or severe weather).
- Preventing the replenishment of arms or significant repairs beyond basic maintenance.

4. Prohibition of Recruitment

Neutral states are required to prevent belligerents from recruiting troops or gathering volunteers within their borders. Allowing recruitment would violate neutrality by facilitating the war effort of one side.

5. No Supply of War Materials

Neutral states must not supply arms, ammunition, or other war materials directly to belligerents. However, private trade not officially supported by the state may still occur unless explicitly regulated.

6. Duty to Prevent Violations

Neutral states must actively prevent and address violations of their neutrality by belligerents. This includes taking reasonable steps to:

- Expel or detain belligerent troops who enter their territory.
- Monitor and regulate activities in their ports, borders, and airspace.
- Protest or seek reparations for violations of their neutral status.

Legal and Practical Implications

- **Accountability**: Failure to uphold these duties could render a neutral state complicit in the conflict, potentially leading to its loss of neutrality and exposure to retaliatory actions by other states.
- **Challenges**: In modern warfare, the interpretation of neutral duties has expanded to include cyber operations, satellite usage, and other technological dimensions.

Example Applications

- During World War I and II, neutral countries like Switzerland and Sweden took measures to intern troops and restrict military activities on their soil.
- More recently, issues such as overflight rights, cyberattacks, and naval operations have tested the boundaries of neutrality in international law.

In summary, the duty of neutrals to prohibit belligerent actions on their territory reflects the broader goal of ensuring impartiality and preventing the escalation of conflicts through the misuse of neutral resources or geography.

3-333 Obligation to Prevent Recruitment

The obligation of neutral states to prevent recruitment on their territory is rooted in the principles of neutrality under international law, particularly as codified in instruments like the Hague Conventions of 1907 and customary international law. This obligation aims to ensure that neutral states do not contribute, directly or indirectly, to the war efforts of any belligerent party during an armed conflict. Below is an overview of what this obligation entails:

Legal Basis

1. **Hague Convention V (1907) on Neutral Powers and Persons in Case of War on Land**:
    - Article 4: Neutral states must not allow belligerents to recruit soldiers or carry out military operations on their territory.
    - Article 5: Neutral states are required to take measures to prevent such activities within their jurisdiction.
2. **Customary International Law**:
    - The principles of neutrality, including the obligation to prevent recruitment, are widely recognized as binding norms.

Key Elements of the Obligation

1. **Prevention of Recruitment of Combatants**:
    - Neutral states must ensure that their territory is not used by belligerent states or their agents to recruit troops, whether through formal military enlistment or other means of mobilization.
2. **Preventing the Formation of Irregular Forces**:
    - This includes stopping private individuals or groups from forming militias or paramilitary units intended to support a belligerent.
3. **Control over Recruitment Activities by Foreign Agents**:
    - Neutral states must prevent foreign diplomats, agents, or organizations from engaging in recruitment efforts within their borders.
4. **Preventing Propaganda or Coercion**:
    - Neutrality obligations may extend to controlling activities that indirectly facilitate recruitment, such as propaganda aimed at encouraging individuals to join a belligerent's forces.

Scope and Limits

- **Territorial Jurisdiction**:
    - The obligation applies strictly within the neutral state's territory, including land, airspace, and territorial waters.
- **No Duty to Enforce Abroad**:
    - Neutral states are not obligated to enforce this prohibition outside their jurisdiction.
- **Respect for Individual Rights**:
    - While preventing recruitment, neutral states must also respect individual rights, such as freedom of movement and association, provided these do not contravene neutrality.

Implementation and Measures

To comply with this obligation, neutral states typically adopt the following measures:

1. **Legislation**:
    - Enact laws prohibiting unauthorized recruitment for foreign militaries or armed groups.
2. **Law Enforcement**:
    - Monitor and disrupt recruitment activities by foreign agents or private entities.
3. **Diplomatic Action**:
    - Issue warnings to belligerent states to cease recruitment activities within their territory.
4. **Judicial Processes**:
    - Prosecute individuals or groups violating neutrality laws.

Consequences of Breach

A failure to prevent recruitment may result in:

- **Loss of Neutrality Status**:
    - The neutral state risks being considered as taking sides in the conflict, which may subject it to lawful reprisals by the aggrieved belligerent.
- **International Responsibility**:
    - The neutral state may face claims for reparations under the law of state responsibility.

This obligation underscores the neutral state's commitment to maintaining impartiality and minimizing the escalation of conflict while respecting international law.

3-334 Equal Treatment of Belligerents

The duty of equal treatment of belligerents in international law is a principle rooted in neutrality laws and the law of armed conflict. It mandates that neutral states must treat all parties to an armed conflict impartially and without discrimination, regardless of the political or moral views they might hold about the conflict or the belligerents. Here's what this duty entails:

1. Impartiality in Relations

- Neutral states must not favor one belligerent over another in their actions or policies.
- They must abstain from providing military support, supplies, or any other form of aid that could tip the scales in favor of one side.

2. Non-Discrimination in Trade and Commerce

- Neutral states may trade with belligerents but must do so equally and under similar conditions.
- Restrictions or benefits offered to one belligerent must also be extended to the other.

3. Prohibition on Allowing Territory to Be Used

- Neutral states must prevent any belligerent from using their territory, ports, or airspace for military purposes.
- This includes prohibiting the establishment of bases or the movement of troops and weapons.

4. Detention of Violations

- If a belligerent violates the neutrality of a state (e.g., by entering its territory), the neutral state is obliged to detain the violators and ensure they do not continue to harm the other belligerent.

5. Uniform Application of Rules

- Any rules or restrictions imposed by a neutral state—such as embargoes or limitations on the movement of warships—must apply equally to all belligerents.

6. Abstention from Hostilities

- Neutral states are prohibited from joining the conflict or taking sides militarily.
- They must maintain a position of non-intervention to preserve their neutral status.

7. Enforcement of Neutrality

- Neutral states must enforce their neutrality by taking reasonable measures to prevent their territory from being used for belligerent activities.
- Failure to do so might lead to accusations of partiality.

Key Legal Frameworks:

- The **Hague Conventions of 1907** (especially Hague Convention V on Neutral Powers and Persons in Land War and Hague Convention XIII on Neutrality in Naval War) outline the responsibilities of neutral states.
- The **Geneva Conventions** and their Additional Protocols further regulate the conduct of belligerents and provide protections for neutral entities, ensuring equal treatment.

Challenges in Practice

- In modern conflicts, distinguishing between impartial humanitarian aid and politically motivated support can be complex.
- The duty may be tested in asymmetric conflicts where one side might be a non-state actor, making equal treatment more complicated.

Neutrality and equal treatment of belligerents are essential to maintaining the balance of international order, as they prevent neutral states from becoming complicit in the conflict and help contain the scope of warfare.

3-335 Control Over Neutral Ports and Waters

The duty of neutrals to control neutral ports and waters is a well-established principle in international law, particularly in the context of neutrality during armed conflicts. This duty is derived from customary international law and codified in treaties such as the Hague Conventions of 1907 (especially Convention XIII concerning the Rights and Duties of Neutral Powers in Naval War). The key elements of this duty include:

1. Preventing Belligerent Actions in Neutral Waters

Neutral states are obligated to ensure that their ports, harbors, and territorial waters are not used as a base for hostile actions by belligerent states. This includes:

- Preventing naval battles or armed engagements within neutral waters.
- Prohibiting the use of neutral waters as a sanctuary for belligerent forces to regroup, repair, or launch attacks.

2. Restrictions on Belligerent Warships

Neutral ports and waters cannot serve as operational bases for belligerent warships. Specific limitations include:

- **Repair and resupply:** Belligerent warships may only carry out essential repairs in neutral ports to render them seaworthy. They may not increase their combat capacity.
- **Duration of stay:** Warships of belligerent states are typically allowed to remain in neutral ports for a limited time (e.g., 24 hours), except in cases of distress or urgent repairs.
- **Limits on replenishment:** Belligerent warships can only take on enough fuel and supplies to reach their nearest home port.

3. Preventing the Use of Neutral Ports for Recruitment

Neutral states are responsible for ensuring that their ports and waters are not used for:

- Recruiting troops for belligerent forces.
- Supplying mercenaries or auxiliary support to any party in the conflict.

4. Preventing Violations of Blockades

Neutral states must take measures to ensure that their ports and waters are not used to breach legitimate blockades established by belligerents, provided those blockades comply with international law.

5. Internment of Belligerent Forces

If belligerent personnel or warships enter neutral territory in violation of neutrality, the neutral state is obligated to intern them. This prevents their further participation in the conflict.

6. Due Diligence Obligation

The neutral state has a duty to exercise **due diligence** to enforce these rules. It must actively prevent violations of neutrality, such as:

- Preventing the departure of ships suspected of carrying contraband or violating neutrality laws.
- Ensuring that belligerents do not use their waters for intelligence gathering or other war-related activities.

7. Penalties for Non-Compliance

If a neutral state fails to fulfill these duties and allows its ports or waters to be used in a manner inconsistent with neutrality, it risks:

- Being viewed as a participant in the conflict.
- Facing retaliation or reprisals from the aggrieved belligerent states.

Relevant Legal Frameworks

- **Hague Convention XIII (1907):** Outlines the responsibilities of neutral powers in naval warfare.
- **Customary International Law:** Neutrality principles are also grounded in long-standing customs of state practice.
- **United Nations Charter (1945):** Although neutrality is less emphasized in the modern era of collective security, these principles still apply during armed conflicts where states choose to remain neutral.

In summary, the duty of neutrals to control their ports and waters ensures that neutrality is preserved, and belligerents are deterred from exploiting neutral territory for military advantage. Failure to meet these obligations undermines the neutral state's status and can have serious legal and political consequences.

3-336 Prohibition on the Supply of War Material

The duty of neutrals regarding the prohibition on the supply of war materials in international law primarily revolves around the principle of neutrality. Neutral states are expected to refrain from engaging in activities that favor one belligerent over another in an armed conflict. The specific obligations include:

1. Principle of Non-Intervention

Neutral states must not take sides or interfere in the conflict. Supplying war materials (weapons, ammunition, or other military equipment) to any party in the conflict is considered a breach of neutrality. This principle is codified in international customary law and treaties, such as:

- **Hague Conventions V (1907)**: Articles 6 and 7 prohibit neutral states from supplying or facilitating the supply of war materials to belligerents.
- **UN Charter**: The principle of sovereign equality and non-intervention is embedded in Article 2(4), reinforcing the neutrality of states.

2. Prohibition on State Assistance

A neutral state must ensure that its territory is not used as a base for supplying war materials to belligerents. This entails:

- Preventing arms transfers through its ports, airspace, or borders.
- Prohibiting the establishment of industries or facilities on its soil aimed at manufacturing and exporting war materials for belligerents.

3. Responsibility to Enforce Neutrality

Neutral states are required to enact domestic legislation to regulate and prevent private entities within their jurisdiction from supplying war materials to parties in conflict. The responsibility to enforce neutrality involves:

- Monitoring and regulating arms trade by private companies.
- Taking measures to prevent the use of their territory as a conduit for smuggling weapons to belligerents.

Failure to prevent such activities can result in the neutral state being deemed complicit in the conflict, jeopardizing its neutral status.

4. Exceptions and Challenges

While neutrality laws generally prohibit the supply of war materials, certain complexities arise:

- **Economic Neutrality vs. Legal Neutrality**: Neutral states may trade in non-military goods, but distinguishing these from dual-use items (civilian and military applications) can complicate enforcement.
- **International Sanctions**: Neutral states may be bound by international sanctions (e.g., UN embargoes) that require them to restrict the supply of war materials even to non-belligerent states.

5. Enforcement under International Law

Violation of neutrality can lead to consequences such as:

- Loss of neutral status, making the state susceptible to retaliatory actions by belligerents.
- Legal responsibility under international law, potentially leading to disputes before international courts or tribunals.

In summary, the duty of neutrals regarding the prohibition on the supply of war materials in international law is a key aspect of maintaining impartiality and upholding the principles of

sovereignty and non-intervention during armed conflicts. Neutral states must ensure compliance through domestic measures and international cooperation.

3-337 Duty to Enforce Neutrality

The duty of neutrals to enforce neutrality in international law refers to the obligation of neutral states to maintain impartiality and non-participation in conflicts between belligerent parties, while also ensuring that their neutrality is respected. This duty is a cornerstone of international law, particularly during armed conflicts, and is codified in various international treaties and customary international law. The key aspects of this duty include:

1. Non-Participation in Hostilities

Neutral states must refrain from providing any military support, whether direct or indirect, to any of the belligerent parties. This includes:

- Not allowing their territory to be used for military operations.
- Avoiding the provision of troops, weapons, or military intelligence to any side.

2. Prevention of Neutral Territory Use

Neutral states have a duty to ensure their territory is not used as a base for military operations or for the transit of troops, supplies, or equipment by belligerent forces. This entails:

- Prohibiting the establishment of military bases or facilities on neutral territory.
- Denying access to ports, airfields, and other strategic locations for military purposes, except under specific neutral obligations like humanitarian aid.

3. Control Over Citizens and Private Entities

Neutral states are responsible for ensuring that their citizens and private entities do not act in ways that violate neutrality. This may involve:

- Preventing private individuals or companies from enlisting in foreign armies or supplying arms to belligerents.
- Monitoring and regulating trade to avoid the export of contraband that could support the war effort.

4. Equal Treatment of Belligerents

If neutral states interact with belligerent parties, they must do so without favoring one side over the other. For example:

- Allowing access to neutral ports or airspace under equal conditions for all belligerents.
- Prohibiting unequal restrictions or benefits that could influence the conflict.

5. Enforcement of Neutrality Laws

Neutral states are obligated to enforce their neutrality through domestic legislation and administrative measures. This can involve:

- Enacting laws to prevent the violation of neutrality by individuals or corporations.
- Taking diplomatic or legal measures to address violations of neutrality by foreign states or entities.

6. Adherence to International Treaties

The duty of neutrality is enshrined in various international agreements, including:

- The Hague Conventions of 1907, particularly the Hague Convention V (Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land) and Hague Convention XIII (Rights and Duties of Neutral Powers in Naval War).
- Customary international law, as reflected in state practice and opinio juris.

7. Respect for Humanitarian Obligations

Neutrality does not absolve states from their obligations under international humanitarian law (IHL). Neutral states must:

- Facilitate humanitarian assistance where necessary.
- Ensure respect for human rights and protections for individuals affected by the conflict.

Challenges in Enforcement

While the duty to enforce neutrality is clear in principle, its application can be complex, especially in modern conflicts involving non-state actors, hybrid warfare, or cyber operations. Neutral states must balance their obligations under international law with political, economic, and security considerations.

The overarching goal of the duty of neutrality is to prevent neutral states from becoming embroiled in conflicts and to promote stability and adherence to international law.

3-338 Prevention of Espionage and Sabotage

The duties of neutrals to prevent espionage and sabotage in international law primarily revolve around maintaining neutrality and avoiding complicity in hostile acts during conflicts. These obligations are derived from customary international law, treaties, and state practice. Here's an outline of what these duties generally entail:

1. Prevention of Espionage

- **Territorial Integrity**: Neutral states are required to prevent their territory from being used as a base for espionage activities against belligerents. This includes ensuring that their land, airspace, and territorial waters are not used for intelligence operations.
- **Non-Support for Espionage**: Neutral states must not support espionage by providing facilities, resources, or safe havens for agents or operations targeting a belligerent.
- **Monitoring and Enforcement**: Neutral states are obligated to monitor their territory and take active measures to prevent the organization or execution of espionage activities within their jurisdiction.

2. Prevention of Sabotage

- **Protection of Belligerent Interests**: Neutral states must ensure that their territory is not used for acts of sabotage against the infrastructure, resources, or operations of a belligerent.
- **Accountability for Acts on Neutral Territory**: If sabotage is carried out from a neutral state, that state may be held responsible if it failed to prevent such acts when it could have reasonably done so.
- **Legislative and Administrative Measures**: Neutral states often implement laws and administrative procedures to regulate activities within their borders, ensuring no sabotage against belligerents is organized or facilitated.

3. Due Diligence

- Neutral states must exercise "due diligence" to prevent their territory from becoming a base for espionage or sabotage. This standard of care requires reasonable efforts to detect and stop such activities, even if they do not directly involve the state's participation.
- Failure to exercise due diligence can result in claims of responsibility or accusations of partiality.

4. Respect for Sovereignty

- While neutral states have a duty to prevent hostile acts, they must also respect the sovereignty of other states, including avoiding undue interference in domestic matters unless required by international obligations.

5. Compliance with International Agreements

- **Hague Conventions**: The Hague Conventions (e.g., 1907 Hague Convention V) establish rules for the conduct of neutrals, emphasizing that neutral territory is inviolable and should not be used for hostile purposes.
- **United Nations Charter**: The UN Charter reinforces the principle of non-intervention and the importance of maintaining peace, which aligns with the duties of neutrals.

6. Sanctions for Non-Compliance

- Neutral states that fail to fulfill their obligations may face diplomatic protests, legal claims, or, in some cases, retaliation. Repeated failure could lead to a loss of neutral status or involvement in the conflict.

In summary, the duty of neutrals to prevent espionage and sabotage in international law involves safeguarding their territory, exercising due diligence, and adhering to international agreements to maintain impartiality and respect for the sovereignty of belligerents. Neutral states play a critical role in ensuring that their territory does not become a theater for conflict-related activities.

3-339 Additional Duties

3-339.1 Restriction on Communication Facilities

The duty of neutrals under the law primarily refers to the obligation of neutral states during times of armed conflict to refrain from allowing their territory, communication networks, and infrastructure to be used in ways that would provide an advantage to one of the belligerent parties over the other. This obligation is grounded in the principles of neutrality and is articulated in customary international law and various treaties, such as the Hague Conventions of 1907.

Key Aspects of the Duty of Neutrals:

1. **Prohibition on Allowing Military Communication**: Neutral states must not permit their communication facilities, such as telegraphs, telephones, radio stations, or

internet infrastructure, to be used for transmitting military messages or supporting the military operations of a belligerent.
    - Example: A neutral state must not allow a warring party to use its radio towers to coordinate troop movements.
2. **Equal Treatment of Belligerents**: If a neutral state allows any communication facility to be used for non-military purposes (e.g., diplomatic communication), it must ensure equal access to all belligerents. Discrimination in favor of one party could compromise the neutral state's impartiality.
3. **Control Over National Territory**: Neutral states are required to prevent belligerent forces from using their territory as a base for establishing communication infrastructure or conducting communication operations.
    - Example: A belligerent establishing a temporary radio station on neutral soil would violate this principle.
4. **Non-Interference with Civilian Communication**: Neutral states are generally not obligated to restrict civilian communication, such as commercial use of the internet or telephone systems, unless it directly aids the military objectives of a belligerent.
5. **Internet and Cyber Communications**: In the modern context, this principle extends to cyber infrastructure, where neutral states must ensure that their servers, networks, or other digital facilities are not used to facilitate the military activities of any belligerent party.
6. **Prohibition on Espionage Assistance**: A neutral state cannot knowingly permit its communication systems to be used for espionage purposes by a belligerent party.

Legal Basis:

- **Hague Convention (V) Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land (1907)**: Articles 5 and 8 of this convention specifically outline the duties of neutral states regarding the use of communication facilities by belligerents.
- **Customary International Law**: The principles of neutrality are also reflected in customary international law, which binds states regardless of treaty ratifications.

Breach of Neutrality:

If a neutral state fails to fulfill its duties, it risks being perceived as partial to one of the belligerents. This can lead to:

- Diplomatic protests.
- Reprisals from belligerent states.
- Loss of neutral status and potential involvement in the conflict.

Modern Challenges:

The advent of cyber warfare and globalized communication networks has complicated the application of these principles. For instance:

- Should a neutral state block cyberattacks originating from its territory, even if launched by private actors?
- How can neutrality be preserved in an interconnected digital world where data routes often traverse multiple jurisdictions?

These questions continue to evolve as international law adapts to technological advancements and contemporary conflict dynamics.

3-339.2 Duty to Defend Neutral Status

The duty of neutrals to defend their neutral status in international law is a critical aspect of maintaining neutrality during armed conflicts. This duty requires neutral states to take active measures to ensure they do not inadvertently or deliberately compromise their neutrality, thereby violating international law. The main elements of this duty include:

1. Prohibition of Participation in Hostilities

- A neutral state must not engage in any act that would align it with one of the belligerents. This includes:
    - Not allowing its territory to be used as a base of operations or transit for troops.
    - Prohibiting its nationals from enlisting in foreign armies actively engaged in the conflict.
    - Avoiding any military assistance to warring parties, such as supplying arms, ammunition, or logistical support.

2. Defense of Territorial Integrity

- Neutral states are obliged to prevent violations of their territory by belligerents. This includes:
    - Ensuring that belligerent forces do not cross or occupy their land, airspace, or territorial waters.
    - Taking action to expel or neutralize forces that violate their borders.
- This duty often requires the maintenance of adequate defense forces to secure borders and enforce neutrality.

3. Enforcement of Domestic Legislation

- Neutral states must implement and enforce domestic laws that uphold their neutral status. These laws often regulate:
    - Trade in arms and contraband that could be used by belligerents.
    - Use of ports and infrastructure by warships or other military entities of belligerent nations.
    - Activities of private individuals or groups within the neutral state that may aid one of the parties to the conflict.

4. Equality in Dealings with Belligerents

- A neutral state must treat all belligerents equally. This includes:
    - Equal restrictions or permissions for access to ports, airspace, or territorial waters.
    - Non-preferential trade policies that do not favor one belligerent over another.

5. Resistance to External Pressure

- Neutral states must resist attempts by belligerents to coerce or force them into violating their neutrality. This may involve:
    - Diplomatic measures to assert their neutral position.
    - Defensive measures to prevent belligerent intrusion or coercion.

6. Obligations Under Customary and Treaty Law

- The Hague Conventions of 1907 (e.g., Hague V and Hague XIII) outline specific obligations of neutral powers. These conventions codify:
    - The prohibition of belligerent use of neutral territory.
    - Rules regarding the treatment of warships and combatants in neutral waters.
- Additional obligations may arise from regional agreements or international treaties.

Challenges in Fulfilling the Duty

- **Pressure from Belligerents**: Belligerents may attempt to influence or coerce a neutral state into taking sides.
- **Resource Constraints**: Smaller or less militarized states may lack the resources to effectively defend their neutrality.
- **Modern Warfare Complexities**: The rise of cyber warfare, hybrid threats, and non-state actors complicates the enforcement of neutrality.

Conclusion

The duty to defend neutral status in international law is an active responsibility. It requires a neutral state to assert and maintain its neutrality through both preventive measures and reactive actions, balancing its obligations under international law while navigating the practical realities of conflict. Failure to fulfill this duty could result in the loss of neutral status, potential repercussions under international law, and entanglement in the conflict.

3-339.3 Obligation Not to Block Neutral Commerce

The obligation of neutrals not to block neutral commerce in international law is rooted in the principle of neutrality and the balance it seeks to maintain between belligerent states and neutral states during armed conflicts. This obligation primarily stems from customary international law, treaty obligations, and the practical need to protect the rights of neutral states and their commerce. Below are the key aspects that outline this obligation:

1. Definition of Neutrality

Neutrality in international law refers to the status of a state that chooses not to participate in a conflict between other states. A neutral state must abstain from supporting belligerents and maintain impartiality in its relations with warring states.

2. Neutral Commerce in International Law

Neutral commerce involves trade and commercial activities conducted by neutral states or their nationals. Neutral states have a recognized right to continue trade, including with belligerent states, so long as it does not contravene international laws on contraband, blockades, or assistance to the war effort.

3. Prohibition on Blocking Neutral Commerce

The obligation not to block neutral commerce entails:

- **Respect for Neutral Trade:** Belligerent states must not arbitrarily interfere with or block neutral commerce, particularly when it does not involve contraband or violate legal blockades.
- **Lawful Blockades:** A blockade imposed by a belligerent must comply with international law to be valid. It must be:
    - Declared and notified to all relevant parties.
    - Effective (maintained by sufficient force to prevent access to the enemy's coastline).
    - Impartially enforced (applied equally to all neutral vessels).

- **Contraband and Neutrality:** Neutral commerce involving contraband (goods intended for military use) may be intercepted, but there are specific legal procedures that must be followed, including judicial review by a prize court.

4. Key Legal Frameworks

Several legal instruments and principles regulate the obligation not to block neutral commerce:

- **Hague Conventions (1907):**
  - The Hague Convention V and XIII establish rules on the rights and duties of neutral powers in land and maritime warfare. They prohibit belligerents from using neutral territory or resources to further their war efforts.
- **United Nations Charter:**
  - Although neutrality is not explicitly mentioned, the Charter emphasizes the sovereignty of states and non-interference in internal affairs, reinforcing the need to respect neutral states' commerce.
- **Customary International Law:**
  - It underpins the principle that neutral states have the right to trade freely, barring specific limitations like lawful blockades or contraband.

5. Belligerents' Obligations Toward Neutral Commerce

- **No Arbitrary Seizures:** Neutral vessels and goods cannot be arbitrarily seized or confiscated unless they are clearly proven to violate established laws, such as transporting contraband or breaching blockades.
- **No Economic Coercion:** Belligerents must not coerce neutral states into restricting their trade to favor one side of the conflict.
- **Duty to Minimize Disruption:** Belligerents should minimize disruptions to neutral commerce, ensuring that actions taken under wartime measures (e.g., blockades) align with proportionality and necessity principles.

6. Neutral States' Obligations

Neutral states also have obligations to maintain their neutral status:

- **Prohibition on Assisting Belligerents:** Neutral states cannot provide direct or indirect support to any belligerent, including permitting the transport of troops or war materials across their territory.
- **Regulation of Private Entities:** Neutral states must prevent their nationals from engaging in activities that breach neutrality, such as smuggling contraband.

7. Consequences of Violating Neutral Commerce

Violations of the obligation not to block neutral commerce may lead to:

- Diplomatic protests or sanctions.
- Legal claims by neutral states for reparations.
- Escalation of conflicts and potential involvement of neutral states in hostilities.

Conclusion

The obligation not to block neutral commerce is fundamental to preserving the balance of rights and responsibilities in international armed conflicts. It ensures that neutral states can maintain their sovereignty and economic interests without becoming embroiled in conflicts, while also providing a framework for belligerents to protect their strategic interests within the bounds of international law.

3-34 Rights of Belligerents Toward Neutrals

The rights of belligerents toward neutrals in international law are limited and carefully balanced to respect the sovereignty and neutrality of non-participating states while allowing belligerents to pursue their military objectives. These rights are primarily focused on regulating interactions with neutral states to ensure that neutrality is not used to undermine the principles of warfare. Below are the key rights of belligerents against neutral states:

1. Right to Visit and Search Neutral Vessels

- Belligerents have the right to stop and search neutral merchant ships on the high seas to verify that they are not carrying contraband or breaching blockades.
- This right is subject to international law requirements, such as ensuring the search is conducted with minimal interference and in good faith.

2. Right to Seize Contraband

- If contraband (goods that directly support a belligerent's war effort, such as weapons or ammunition) is found aboard a neutral vessel, belligerents have the right to confiscate it.
- The definition of contraband and the circumstances under which it may be seized are governed by treaties and customary international law.

3. Right to Enforce Blockades

- Belligerents may establish blockades against enemy ports or coasts, and they have the right to prevent neutral ships from breaching those blockades.

- Blockades must:
    - Be declared officially.
    - Be effectively maintained.
    - Apply equally to all neutral states.

4. Right to Detain Neutral Vessels

- Neutral vessels may be detained if they are suspected of:
    - Carrying contraband.
    - Violating a blockade.
    - Engaging in unneutral service (e.g., transporting troops or military supplies for a belligerent).
- Detentions must follow international procedures and cannot be arbitrary.

5. Right to Capture or Destroy Enemy Goods on Neutral Vessels

- Belligerents may capture or destroy enemy goods found on neutral ships, except when the vessel is under a neutral flag and not violating international law.

6. Right to Demand Neutrality

- Belligerents have the right to expect neutral states to adhere to their duties of neutrality.
- If a neutral state violates its neutrality by aiding a belligerent, the opposing belligerent has the right to take proportionate measures, which may include:
    - Diplomatic protests.
    - Retaliatory actions consistent with international law.

7. Right to Exclude Neutral Vessels from Specific Zones

- In cases of declared war zones or areas of naval operations, belligerents may restrict access to neutral vessels for safety or military reasons.
- Neutral vessels entering these zones may face consequences if they fail to heed warnings.

8. Right to Prevent Unneutral Service

- Belligerents can take action against neutral vessels or entities engaging in "unneutral service," such as:
    - Transporting military personnel or materials for a belligerent.
    - Acting as auxiliary vessels for military purposes (e.g., reconnaissance or communications).

9. Limited Right to Use Neutral Ports

- Belligerent warships may enter neutral ports for specific purposes, such as:
  - Seeking asylum in case of distress or damage.
  - Refueling or obtaining necessary supplies, subject to restrictions.
- Belligerents must adhere to the rules set by the neutral state and cannot overstay the permissible duration.

10. Right to Protest Violations of Neutrality

- Belligerents have the right to protest if a neutral state fails to fulfill its duties, such as allowing its territory to be used for military purposes.
- This may include diplomatic measures or actions to address violations.

11. Right to Demand Compensation

- If a neutral state breaches its neutrality in a way that harms a belligerent, the latter has the right to demand reparations or compensation through diplomatic or legal means.

Limitations on Belligerent Rights

- Belligerents must respect the sovereignty and territorial integrity of neutral states.
- Belligerent rights are limited by treaties, such as the Hague Conventions of 1907, and customary international law.
- Actions against neutral vessels or states must be justified, proportionate, and conducted in good faith.

These rights are balanced by the responsibilities of belligerents to respect the neutrality of states and ensure that their actions align with international law, preventing unnecessary escalation or harm to non-combatant entities.

3-341 Right to Visit and Search Neutral Vessels

The right of belligerents to visit and search neutral vessels is a principle of customary international law that allows states engaged in armed conflict to ensure that neutral vessels are not violating neutrality by carrying contraband, breaching blockades, or engaging in other activities that could assist one of the belligerents. This right balances the interests of belligerents with the rights of neutral states to trade and navigate freely.

Key Elements of the Right:

1. **Legitimacy of the Right:**
    - Recognized under international law as part of the belligerent's effort to enforce blockades, prevent smuggling, and ensure compliance with laws of war.
    - Codified in treaties such as the **Hague Conventions** and customary international law.
2. **Neutral Vessel Definition:**
    - A vessel registered under the flag of a neutral state and not directly participating in hostilities.
3. **Conditions for Exercise:**
    - Conducted on the **high seas** or in areas of active hostilities.
    - Must be based on reasonable grounds to suspect the vessel is violating neutrality.
4. **Procedure for Visit and Search:**
    - **Visit:** A belligerent warship approaches the neutral vessel and sends an officer or boarding party to inspect the ship’s documentation and cargo.
    - **Search:** If suspicion persists, a more thorough search of the cargo and ship may be conducted.
    - The inspection must respect the sovereignty of the neutral state and the vessel's crew.
5. **Restrictions and Obligations:**
    - **Proportionality:** Actions must be limited to what is necessary to ascertain the vessel’s compliance.
    - **Non-Interference:** Belligerents must avoid undue interference with neutral trade and navigation.
    - **Protection of Innocent Passage:** Neutral vessels must be allowed to proceed if no evidence of wrongdoing is found.
    - **Humanitarian Concerns:** The safety of the vessel's crew and passengers must be ensured during the process.
6. **Outcomes of Visit and Search:**
    - If the vessel is found to be in compliance, it is allowed to continue its voyage.
    - If it is carrying contraband or breaching neutrality, it may be seized and brought to a prize court for adjudication.
7. **Limitations and Controversies:**
    - **Abuse of Rights:** Belligerents must not use the right as a pretext for arbitrary interference.

- **Neutral States' Response:** Neutral states may protest or take countermeasures if they believe their rights are being violated.
- **Economic Impacts:** Excessive searches can disrupt neutral commerce, leading to diplomatic tensions.

8. **Relevant Legal Instruments:**
   - **The Declaration of Paris (1856):** Defines contraband and outlines neutral rights.
   - **Hague Conventions (1907):** Set standards for maritime warfare, including the treatment of neutral vessels.
   - **United Nations Charter (1945):** Encourages peaceful resolution of disputes, which can affect how such rights are exercised today.

Modern Implications:
While the right remains valid in international law, its exercise has become less frequent due to the rise of international organizations, legal frameworks for conflict, and the need to balance neutrality with the freedom of navigation and global trade.

3-342 Right to Seize Contraband

The right of belligerents to seize contraband is a principle of international law, particularly relevant during armed conflicts, that allows warring states to intercept and confiscate goods deemed contraband if they are being transported to or from enemy territory or forces. This right is generally exercised at sea or in international waters, although its application can extend to air and land in specific circumstances. Here's an outline of what it entails:

Definition of Contraband
Contraband refers to goods that are prohibited from being transported to an enemy during wartime because they may assist in the enemy's war efforts. Contraband is typically divided into categories:

1. **Absolute Contraband**: Items that are directly usable for war purposes, such as weapons, ammunition, and military equipment.
2. **Conditional Contraband**: Goods that have civilian uses but may also be employed for military purposes, such as fuel, food, or vehicles. The intent behind their transport often determines their classification.

Legal Basis

The right to seize contraband is based on:

1. **Customary International Law**: Historically accepted practices among nations regarding the conduct of war at sea.
2. **Treaties and Agreements**: Documents like the Declaration of Paris (1856) and the Hague Conventions set some standards for naval warfare.
3. **National Legislation**: Domestic laws of belligerent states may outline their naval and wartime rights.

Conditions for Seizure

1. **Neutrality of the Vessel**: Contraband is often found on neutral vessels. Seizure is justified only if the neutral vessel is knowingly aiding the enemy or carrying goods destined for the enemy.
2. **Visit and Search**: A belligerent warship has the right to stop and search neutral vessels on the high seas to determine if they are carrying contraband.
3. **Blockades**: If a blockade is legally established, any attempt to breach it with contraband can justify seizure.
4. **Evidence**: The belligerent must have reasonable grounds to believe the cargo is contraband. Clear evidence of destination or intent is usually required.

Process of Seizure

1. **Interception**: The belligerent's naval forces stop the vessel and inspect its cargo.
2. **Detainment**: If contraband is discovered, the vessel may be detained, and the goods may be confiscated.
3. **Adjudication**: Cases of seizure are often brought before a prize court in the detaining belligerent's jurisdiction. The court determines the legality of the seizure and the status of the goods.

Limitations

1. **Rights of Neutrals**: Belligerents must respect the rights of neutral states and vessels under international law.
2. **Proportionality**: The seizure should be proportional to the necessity of preventing aid to the enemy.
3. **International Scrutiny**: Unjustified seizures can lead to diplomatic disputes or be challenged in international courts.

Modern Considerations

While historically associated with naval warfare, the concept of contraband and its seizure has evolved. Modern conventions, such as the United Nations Charter and treaties governing trade, aim to limit the scope of such actions. Furthermore, international tribunals and institutions now play a significant role in adjudicating disputes related to contraband seizure.

In essence, the right of belligerents to seize contraband is a balance between military necessity and the protection of neutral rights under international law.

3-343 Right to Enforce Blockades

The right of belligerents to enforce blockades is a principle of international law that allows a warring state to restrict access to and from an enemy's ports or coastline to impede their ability to obtain supplies, reinforcements, and trade goods. This right is exercised under strict legal and operational guidelines to balance military necessity with the rights of neutral parties and the rules of international law.

Definition of a Blockade

A blockade is a military operation aimed at preventing access to or egress from specific enemy ports, harbors, or coastlines. The purpose of a blockade is typically to:

1. Weaken the enemy by cutting off vital supplies, communications, and trade.
2. Apply economic and psychological pressure to force surrender or compliance.

Legal Basis

The enforcement of blockades is governed by:

1. **Customary International Law**: Practices developed over centuries of maritime warfare.
2. **Treaties and Conventions**:
    - **Declaration of Paris (1856)**: Established the legality of blockades if they are effective.
    - **Hague Conventions (1907)**: Clarified rules on blockades and neutral shipping.
3. **United Nations Charter**: Modern restrictions on the use of force may limit the unilateral imposition of blockades without Security Council authorization.

Requirements for a Legal Blockade

To be recognized as lawful, a blockade must meet the following criteria:

1. **Effectiveness**:
    - A blockade must be maintained by sufficient force to prevent access to the targeted area. It cannot be a mere declaration without enforcement.
    - Token or paper blockades, which are unenforceable, are considered illegal.
2. **Notification**:
    - A belligerent must notify neutral states and the affected enemy territory of the blockade's existence, scope, and conditions.
    - Failure to issue proper notification invalidates the blockade.
3. **Impartiality**:
    - A blockade must be applied equally to all neutral states. Selective enforcement against specific countries or vessels is unlawful.
4. **Adherence to Neutral Rights**:
    - Neutral states and vessels have the right to free navigation unless they attempt to breach the blockade.
5. **Humanitarian Exceptions**:
    - Access may be granted for humanitarian aid if it does not significantly benefit the enemy's war effort.

Enforcement Process

1. **Establishing the Blockade**:
    - Naval forces deploy around the designated area to prevent ingress and egress.
    - The boundaries and rules of the blockade are clearly defined.
2. **Intercepting Neutral Vessels**:
    - Neutral ships attempting to breach the blockade may be stopped, searched, and detained.
    - If found in violation, the vessels and their cargo may be confiscated or destroyed after proper adjudication.
3. **Adjudication by Prize Courts**:
    - Blockade breaches are adjudicated by the belligerent state's prize courts, which determine the legality of actions taken against neutral vessels.

Limitations and Challenges

1. **Proportionality**:
    - The blockade's impact must be proportional to the military advantage gained. Excessive harm to neutral trade or civilian populations may render it unlawful.
2. **Security Council Oversight**:
    - Modern international law often requires United Nations Security Council approval for blockades in non-international conflicts.
3. **Impact on Neutral Parties**:
    - Neutral states and businesses may contest blockades that interfere excessively with their trade.
4. **Technological Advancements**:
    - Submarines, aircraft, and drones have complicated the enforcement and legal interpretation of blockades in modern warfare.

Modern Considerations

In contemporary conflicts, blockades are subject to scrutiny under international human rights and humanitarian law. The use of blockades is often contested in international forums, and their legality may hinge on factors such as civilian harm, economic damage, and the legitimacy of the conflict.

In summary, the right of belligerents to enforce blockades is a powerful wartime tool, but its application is constrained by legal, ethical, and practical considerations to prevent abuse and protect neutral rights.

3-344 Right to Detain Neutral Vessels

The right of belligerents to detain neutral vessels is an established principle of international law during armed conflicts. This right allows warring states to intercept, search, and, under certain conditions, detain neutral vessels if they are suspected of engaging in activities that aid the enemy or violate the rules of neutrality. Below are the key elements of this right:

Legal Basis

The right to detain neutral vessels is grounded in:

1. **Customary International Law**: Practices developed over centuries regarding the conduct of war at sea.
2. **International Treaties**:

- The Declaration of Paris (1856) and subsequent conventions outline conditions under which neutral vessels may be detained.
- The Hague Conventions (1907) further codify rules for naval warfare and neutral shipping.

3. **Domestic Legislation**: Belligerent states often enact laws outlining the procedures and grounds for detaining neutral vessels.

Grounds for Detention

Neutral vessels may be detained under the following conditions:

1. **Carrying Contraband**:
   - Goods destined for the enemy that are classified as contraband (e.g., weapons, ammunition, or materials supporting war efforts) justify detention.
   - The destination, intent, and nature of the goods are key factors.
2. **Attempting to Breach a Blockade**:
   - Neutral vessels caught attempting to breach a lawful and effective blockade may be detained.
   - The blockade must be properly declared and effectively enforced.
3. **Engaging in Unneutral Service**:
   - Vessels that provide direct support to the enemy (e.g., transporting troops, intelligence gathering, or relaying communications) are considered to be in "unneutral service."
4. **False Documentation or Suspicious Behavior**:
   - Vessels with forged documents, incorrect manifests, or attempts to conceal cargo or destination may be detained for investigation.
5. **Enemy-Owned or Operated**:
   - Neutral-flagged vessels owned or operated by the enemy may be subject to detention, as they are considered enemy property.

Procedure for Detention

1. **Visit and Search**:
   - The belligerent's naval forces may stop and inspect a neutral vessel on the high seas to determine its cargo, destination, and compliance with neutrality.
2. **Seizure and Detention**:
   - If evidence of contraband, blockade-running, or unneutral service is found, the vessel may be seized and taken to a designated port.
3. **Adjudication in a Prize Court**:

- A prize court evaluates the legality of the detention. If the detention is upheld, the vessel and cargo may be confiscated. If not, the vessel is released, and compensation may be awarded.

Limitations on Detention

1. **Respect for Neutrality**:
   - Belligerents must not detain neutral vessels arbitrarily or in violation of international law.
   - Neutral states retain the right to protest or seek redress for unlawful detentions.
2. **Proportionality**:
   - Detention should be proportional to the suspected violation. Overreach may lead to international disputes.
3. **Humanitarian Considerations**:
   - Vessels carrying humanitarian aid or passengers must be treated with care, and unnecessary harm or delays should be avoided.
4. **Burden of Proof**:
   - The belligerent must provide evidence justifying the detention. Without sufficient proof, the vessel must be released.

Modern Challenges

1. **Evolving Technology**:
   - Advanced shipping methods, tracking systems, and international trade networks complicate the detection of contraband or unneutral service.
2. **Economic Globalization**:
   - Detaining neutral vessels can disrupt international trade and provoke diplomatic tensions, even in lawful cases.
3. **Legal Oversight**:
   - International courts and organizations, such as the International Tribunal for the Law of the Sea (ITLOS), may intervene in disputes over detentions.
4. **Human Rights Considerations**:
   - Detention must comply with modern human rights laws, ensuring the fair treatment of crews and passengers.

Conclusion

The right of belligerents to detain neutral vessels is a critical tool for maintaining control over wartime logistics and restricting enemy resources. However, it is subject to strict legal

frameworks, requiring adherence to international law and careful balancing of belligerent rights with those of neutral states. Misuse of this right can lead to significant diplomatic, economic, and legal consequences.

3-345 Right to Capture or Destroy Enemy Goods on Neutral Vessels

The right of belligerents to capture or destroy enemy goods on neutral vessels is a principle of international law exercised during armed conflicts to disrupt the enemy's war effort. However, this right is subject to strict legal conditions to balance the interests of belligerents with the rights of neutral states and their vessels.

Legal Basis

The right to capture or destroy enemy goods on neutral vessels derives from:

1. **Customary International Law**: Practices concerning naval warfare and the treatment of neutral shipping.
2. **Treaties and Conventions**:
    - The Declaration of Paris (1856) establishes that neutral goods on enemy ships are exempt from capture (except contraband), but it does not provide absolute immunity for enemy goods on neutral vessels.
    - The Hague Conventions (1907) regulate the treatment of neutral vessels and cargo during conflict.
3. **Judgments of Prize Courts**: National prize courts determine the legality of specific captures or destructions.

Conditions for Capturing or Destroying Enemy Goods

For such actions to be lawful, the following conditions must be met:

1. **Enemy Ownership of Goods**:
    - Goods owned by the enemy are subject to capture or destruction, even if transported on neutral vessels.
    - Proper documentation (e.g., ship's manifest) is used to determine ownership.
2. **Contraband Exception**:
    - If the goods are contraband (e.g., weapons, ammunition, or materials aiding the war effort), their seizure is justified even if they are not enemy-owned.
    - Non-contraband enemy goods may require different treatment depending on treaties or agreements.

3. **Legitimate Military Necessity**:
    - Goods can only be captured or destroyed if there is a valid military reason, such as preventing them from reaching the enemy and strengthening their war effort.
4. **Neutral Vessel's Knowledge**:
    - Neutral vessels knowingly carrying enemy goods, especially contraband, are more likely to be deemed complicit and subject to actions.
5. **Search and Identification**:
    - Before capturing or destroying goods, the vessel must be stopped, searched, and the nature of the cargo verified.

Procedures for Capture or Destruction

1. **Visit and Search**:
    - A belligerent warship intercepts the neutral vessel, inspects its cargo, and determines if enemy goods or contraband are present.
2. **Seizure**:
    - If enemy goods are found, they may be seized and taken to a prize court for adjudication.
    - The court decides if the capture was lawful and whether the goods will be confiscated or returned.
3. **Destruction**:
    - Destruction of enemy goods is permissible only if:
        - Transporting the goods to port for adjudication is impossible or poses significant danger.
        - Neutral crew and passengers' safety is assured, and adequate provisions are made for their welfare.
    - Unjustified destruction can lead to liability for compensation to the neutral state or vessel owners.

Limitations and Safeguards

1. **Protection of Neutral Rights**:
    - Neutral vessels cannot be treated as enemy property unless actively engaged in aiding the enemy or carrying contraband.
    - Innocent neutral cargo on the vessel must be protected.
2. **Compensation for Neutral Parties**:
    - If neutral goods are mistakenly seized or destroyed, the belligerent may be required to compensate the neutral parties.

3. **Adherence to International Law**:
    - Actions must comply with treaties and conventions. Violations can lead to international disputes and loss of legitimacy.
4. **Humanitarian Considerations**:
    - The safety of the crew and passengers on neutral vessels must always be prioritized.
    - Sinking or destroying a vessel without ensuring the safety of those aboard is a violation of international law.

Modern Considerations

1. **Globalized Trade**:
    - The interconnected nature of modern trade increases the complexity of determining ownership and the destination of goods.
2. **Advanced Technology**:
    - Tracking and identification systems help verify cargo more effectively but also make it harder for belligerents to justify mistakes.
3. **Legal Oversight**:
    - International bodies like the International Tribunal for the Law of the Sea (ITLOS) and the UN Security Council may review disputes arising from such incidents.
4. **Neutral State Pressure**:
    - Strong neutral states may push back diplomatically or militarily if their vessels are unduly targeted.

Conclusion

The right of belligerents to capture or destroy enemy goods on neutral vessels is a tightly regulated wartime measure, balancing military necessity with the principles of neutrality and international law. Misuse of this right can result in diplomatic tensions, legal repercussions, and damage to the belligerent's international standing

3-346 Right to Demand Neutrality

The right of belligerents to demand neutrality refers to the legal and customary principles that allow states engaged in armed conflict to expect and enforce compliance with neutrality rules by states or entities that have declared themselves neutral. Neutrality entails abstention from participation in the conflict and an obligation to refrain from assisting any belligerent in ways that would compromise impartiality. This right is governed by international

law and aims to ensure that neutral states do not unfairly influence the outcome of the conflict.

Legal Basis

The right to demand neutrality is grounded in:

1. **Customary International Law**: Long-standing practices and precedents regarding the conduct of war and neutrality.
2. **Hague Conventions**:
    - The Hague Convention V (1907) outlines the rights and duties of neutral powers and persons in case of war on land.
    - The Hague Convention XIII (1907) specifies the rights and duties of neutral powers in naval warfare.
3. **United Nations Charter**: Modern principles of international law, especially those concerning sovereignty and non-interference, influence the interpretation of neutrality.

Obligations of Neutral States

Neutral states must:

1. **Refrain from Participation**:
    - Avoid joining the conflict militarily, economically, or politically.
    - Refrain from providing troops, financial support, or military equipment to any belligerent.
2. **Prevent the Use of Their Territory**:
    - Belligerents may not use neutral territory to conduct hostilities, station troops, or transport military supplies.
    - Neutral states are required to prevent violations of their territory by belligerents.
3. **Ensure Impartiality**:
    - Treat all belligerents equally in matters of trade, communication, and diplomatic relations.
    - Prohibit favoritism or discriminatory practices that could benefit one side.
4. **Control Nationals and Entities**:
    - Prevent their citizens, corporations, or entities from engaging in activities that compromise neutrality, such as providing mercenary services or selling weapons to one side.

Belligerents' Rights Regarding Neutrality

1. **Demand Compliance**:
    - Belligerents have the right to expect neutral states to adhere to their obligations under international law.
2. **Intervene Against Violations**:
    - If a neutral state violates its neutrality (e.g., by aiding the enemy or permitting hostile acts from its territory), belligerents may take limited actions to address the violation, such as protests, sanctions, or military measures, subject to international scrutiny.
3. **Inspect and Interdict Neutral Shipping**:
    - Belligerents may stop and search neutral vessels on the high seas to ensure they are not transporting contraband or aiding the enemy.
4. **Retaliate Against Violations**:
    - If neutrality is compromised, belligerents may retaliate proportionally, such as by detaining contraband or blockading ports.

Limitations on Belligerents' Rights

1. **Respect for Sovereignty**:
    - Belligerents must respect the sovereignty and territorial integrity of neutral states. Violations can lead to international disputes or intervention by other states.
2. **Proportionality**:
    - Any actions taken to enforce neutrality, such as inspections or detentions, must be proportional and justified under international law.
3. **International Oversight**:
    - Unjustified demands or violations of neutral rights can lead to accountability through international bodies, such as the International Court of Justice (ICJ) or the United Nations.
4. **Neutrality Declarations**:
    - Neutral states have the right to define and publicly declare the extent of their neutrality, as long as it adheres to international law.

Modern Considerations

1. **Economic and Cyber Neutrality**:
    - Modern conflicts extend to economic sanctions and cyber warfare, raising questions about how neutrality applies in these domains.

2. **Globalized Trade**:
    - Neutral states face challenges in maintaining impartial trade policies when global supply chains are interconnected with belligerent states.
3. **International Institutions**:
    - The United Nations and other bodies often influence how neutrality is interpreted and enforced in contemporary conflicts.
4. **Asymmetric and Hybrid Conflicts**:
    - Non-state actors and hybrid warfare blur the lines of neutrality, making it more difficult to determine violations or enforce compliance.

Conclusion

The right of belligerents to demand neutrality is a cornerstone of international law, ensuring that conflicts are contained and do not unnecessarily involve neutral states. However, it is a two-sided principle, as belligerents must respect the rights of neutral states while holding them accountable for violations. Balancing this dynamic is essential to maintaining international order and reducing the scope of conflict.

3-347 Right to Exclude Neutral Vessels from Specific Zones

The right of belligerents to exclude neutral vessels from specific zones is a principle in international law that allows warring states to restrict neutral shipping access to designated areas during armed conflict. This right is exercised to protect military operations, enforce blockades, or mitigate risks to neutral vessels in zones of active hostilities. However, it is subject to legal and ethical limitations to balance military necessity with the rights of neutral parties.

Legal Basis

The right to exclude neutral vessels is supported by:

1. **Customary International Law**: Centuries of maritime practice and legal precedent during warfare.
2. **International Treaties and Conventions**:
    - The Hague Conventions (1907) establish principles related to blockades and neutral shipping rights.
    - The United Nations Charter (1945) influences modern conflict regulation and the use of force.
3. **Security Council Resolutions**: In modern conflicts, the United Nations may authorize exclusion zones under specific conditions.

Types of Exclusion Zones

1. **Military Exclusion Zones**:
    - Areas where belligerents conduct naval or military operations.
    - Neutral vessels are excluded to ensure operational security and prevent interference.
2. **Blockade Zones**:
    - Legally declared and enforced zones that prevent access to an enemy's ports or coastlines.
    - Neutral vessels attempting to breach such blockades may be detained or confiscated.
3. **Safety Zones**:
    - Areas established to protect neutral vessels from active hostilities or dangerous conditions, such as minefields.

Conditions for Establishing Exclusion Zones

For an exclusion zone to be lawful, the following conditions must generally be met:

1. **Notification**:
    - Neutral states and vessels must be notified of the exclusion zone, its boundaries, and its duration.
    - Clear communication helps minimize the risk of unintentional violations.
2. **Legitimate Military Necessity**:
    - The exclusion must serve a valid military purpose, such as ensuring the success of operations or preventing enemy resupply.
3. **Reasonable Scope and Size**:
    - The zone must not be excessively large or encompass areas unnecessary for the stated military objectives.
4. **Respect for Neutral Rights**:
    - Neutral states must be assured that their sovereignty and trade rights will not be unduly infringed.
5. **Proportionality**:
    - The impact of the exclusion on neutral commerce must be proportional to the military advantage gained.

Rights of Belligerents

1. **Enforcement**:
    - Belligerents may patrol the exclusion zone to monitor and exclude unauthorized vessels.

- Vessels attempting to enter the zone may be intercepted, searched, or detained.

2. **Use of Force**:
   - Force may be used against neutral vessels that violate the exclusion, but only as a last resort and in accordance with international law.
3. **Control of Contraband**:
   - Neutral vessels in exclusion zones may be searched for contraband or evidence of aiding the enemy.

Limitations on Belligerents

1. **Humanitarian Considerations**:
   - Neutral vessels engaged in humanitarian missions, such as carrying medical supplies or refugees, should generally be allowed safe passage unless compelling reasons prevent it.
2. **International Scrutiny**:
   - Exclusion zones that disproportionately harm neutral trade or violate international law may be challenged by neutral states or international organizations.
3. **Compensation for Losses**:
   - If neutral vessels are wrongfully excluded, detained, or damaged, belligerents may be liable for compensation.
4. **Non-Interference with Neutral Commerce**:
   - Belligerents must avoid unnecessary interference with neutral trade outside the exclusion zone.

Modern Considerations

1. **Economic and Trade Impact**:
   - Globalized commerce means that exclusion zones can have significant economic repercussions on neutral states and businesses.
2. **Technological Advancements**:
   - Satellite tracking, automated shipping systems, and drones raise questions about how exclusion zones are monitored and enforced.
3. **United Nations Oversight**:
   - Modern conflicts often involve international oversight to ensure compliance with humanitarian and legal standards.

4. **Asymmetric Conflicts**:
    - The rise of non-state actors and hybrid warfare complicates the establishment and enforcement of exclusion zones.

Examples of Exclusion Zones

1. **Naval Blockades**: Enforced during both World Wars to restrict enemy access to supplies and resources.
2. **No-Fly Zones**: Implemented in modern conflicts to limit aerial operations, often with Security Council approval.
3. **Minefields**: Declared during conflicts to warn neutral vessels of navigational hazards.

Conclusion

The right of belligerents to exclude neutral vessels from specific zones is a critical wartime measure, but it must be exercised within the bounds of international law. Proper notification, proportionality, and respect for neutral rights are essential to ensure the legitimacy of exclusion zones and to minimize unintended harm to neutral parties. Misuse of this right can lead to diplomatic disputes, economic disruption, and international condemnation.

3-348 Right to Prevent Unneutral Service

The right of belligerents to prevent unneutral service refers to their authority to take measures against neutral entities—vessels, individuals, or organizations—that engage in activities aiding one belligerent to the detriment of the other, thereby violating the principles of neutrality. This right aims to maintain fairness in conflict and ensure that neutral parties do not interfere with or unduly benefit one side.

Definition of Unneutral Service

Unneutral service involves actions by neutral entities that go beyond normal trade or interaction and contribute directly or indirectly to a belligerent's war effort. Examples include:

1. Transporting troops, arms, or military equipment for a belligerent.
2. Acting as a communication or intelligence-gathering agent.
3. Providing repair, refueling, or logistical support to a belligerent's military forces.
4. Participating in blockades or other operations on behalf of a belligerent.

Legal Basis

The right to prevent unneutral service is established in:

1. **Customary International Law**: Long-standing principles governing the conduct of neutral parties during armed conflict.
2. **Hague Conventions**:
    - The **Hague Convention V (1907)** outlines the duties of neutral powers and individuals in land warfare.
    - The **Hague Convention XIII (1907)** regulates the rights and duties of neutral powers in naval warfare.
3. **National Legislation**: Many states codify neutrality principles in their domestic laws.

Actions Constituting Unneutral Service

1. **Direct Assistance**:
    - Carrying troops, military personnel, or war materials to or from belligerent forces.
    - Providing direct logistical support, such as refueling military ships or planes.
2. **Indirect Assistance**:
    - Gathering and transmitting intelligence on behalf of a belligerent.
    - Facilitating communication or relaying orders between military units.
3. **Participation in Hostile Activities**:
    - Assisting in the enforcement of blockades.
    - Engaging in naval combat or privateering under a belligerent's flag.
4. **Improper Use of Neutral Territory**:
    - Allowing belligerents to use neutral territory as a base for operations, recruitment, or supply.

Belligerents' Rights

Belligerents have the right to:

1. **Intercept and Inspect**:
    - Stop and search neutral vessels or aircraft suspected of engaging in unneutral service.
2. **Detain or Capture**:
    - Detain vessels, goods, or individuals found violating neutrality principles.
    - Confiscate cargo or commandeer vessels used for unneutral service.
3. **Adjudicate in Prize Courts**:
    - Refer cases of suspected unneutral service to a prize court, which determines whether the seizure or detention was lawful.

4. **Prevent Future Violations**:
    - Issue warnings or impose restrictions on neutral states or entities that fail to uphold neutrality.

Limitations on Belligerents

1. **Proof of Violation**:
    - Belligerents must provide clear evidence of unneutral service before taking action.
2. **Respect for Neutral Rights**:
    - Neutral parties retain the right to conduct lawful commerce and navigation that does not aid a belligerent's war effort.
3. **Proportionality**:
    - Measures taken to prevent unneutral service must be proportional to the violation and avoid unnecessary harm to neutral parties.
4. **Compensation for Wrongful Action**:
    - Belligerents may be required to compensate neutral parties if their actions are found to be unjustified or excessive.

Responsibilities of Neutral Parties

Neutral states and entities must:

1. **Ensure Impartiality**:
    - Treat all belligerents equally in trade, communication, and support.
2. **Prevent Violations by Nationals**:
    - Prohibit citizens or companies from engaging in unneutral service, such as supplying military equipment to one belligerent.
3. **Avoid Misuse of Neutral Status**:
    - Ensure that vessels and aircraft under their flag comply with neutrality laws.

Modern Considerations

1. **Globalized Trade and Technology**:
    - Increased interdependence in global trade makes it challenging to distinguish between lawful commerce and unneutral service.
    - Technological advances, such as satellite communications and drones, complicate enforcement.
2. **Asymmetric Warfare**:
    - Conflicts involving non-state actors blur the lines of neutrality and unneutral service.

3. **International Oversight**:
    - International bodies, such as the United Nations, may intervene in cases where neutrality is disputed or unneutral service is alleged.
4. **Economic Sanctions**:
    - Neutral parties may face challenges if they are subject to economic pressure from belligerents while trying to maintain impartiality.

Examples of Preventing Unneutral Service

- **Naval Warfare**: During both World Wars, belligerents targeted neutral ships suspected of carrying contraband or assisting the enemy.
- **Airspace Control**: In recent conflicts, neutral states have restricted their airspace to prevent unneutral military transport.
- **Cyber Operations**: Modern warfare includes efforts to prevent neutral companies from providing technology or intelligence services to one side.

Conclusion

The right of belligerents to prevent unneutral service is a vital mechanism to uphold the principles of neutrality and maintain fairness during conflict. While it grants belligerents significant authority to address violations, this right must be balanced against the need to respect the sovereignty and rights of neutral parties, ensuring compliance with international law and minimizing harm to neutral states and their entities.

3-349 Additional Rights

3-349.1 Limited Right to Use Neutral Ports

The limited right of belligerents to use neutral ports is a principle in international law that allows warring states certain privileges to access neutral harbors and waters under specific conditions, while respecting the neutrality and sovereignty of the neutral state. These rights are tightly regulated to prevent the neutral party from becoming complicit in the conflict.

Legal Basis

The limited right to use neutral ports is governed by:

1. **Customary International Law**: Long-standing maritime practices during armed conflicts.
2. **Hague Conventions (1907)**:
    - **Hague Convention V**: Addresses neutrality in land warfare but informs the broader principles of neutrality.

- **Hague Convention XIII**: Specifically deals with the rights and duties of neutral powers in naval warfare.

3. **Domestic Laws**: Neutral states may implement national regulations restricting or permitting certain uses of their ports.

Permitted Uses of Neutral Ports

Belligerent vessels are allowed limited use of neutral ports for the following purposes:

1. **Temporary Refuge**:
   - Belligerent ships may seek temporary refuge from storms, emergencies, or unsafe navigation conditions.
   - The stay must be strictly limited to the time needed to address the emergency.
2. **Repairs**:
   - Vessels may use neutral ports for necessary repairs to ensure seaworthiness.
   - Repairs must not enhance the ship's combat readiness or provide a military advantage.
3. **Replenishment**:
   - Belligerent vessels may resupply with food, water, fuel, and other necessities, but only in quantities necessary to reach the nearest home port.
   - Replenishment of military supplies, such as ammunition, is strictly prohibited.
4. **Humanitarian Reasons**:
   - Neutral ports may be used for disembarking sick, wounded, or shipwrecked individuals.
5. **Internment or Disarmament**:
   - Belligerent warships seeking to remain in neutral waters for an extended period may be interned or disarmed to ensure neutrality.

Limitations on the Right to Use Neutral Ports

1. **Time Restrictions**:
   - Belligerent warships typically cannot remain in a neutral port for more than 24 hours, except in emergencies or with explicit permission from the neutral state.
   - The "24-hour rule" ensures that neutral ports are not used as bases of operations.
2. **Number of Ships**:
   - Neutral states may limit the number of belligerent warships that can be in their ports simultaneously.

3. **Prohibition of Hostile Actions**:
    - Belligerents must not use neutral ports to launch attacks, refit ships for combat, or engage in intelligence operations.
    - Any breach of this rule may be deemed a violation of neutrality and could justify retaliation by the opposing belligerent.
4. **Equality**:
    - Neutral states must apply port access rules impartially to all belligerents to maintain their neutral status.
5. **Prohibition of Recruitment**:
    - Belligerents cannot recruit troops, conduct propaganda, or engage in espionage from neutral territory.

Responsibilities of Neutral States

Neutral states are obligated to:

1. **Enforce Neutrality Laws**:
    - Ensure that their ports are not used to benefit one belligerent over the other.
    - Prevent the departure of belligerent ships that violate neutrality, such as by refitting for combat or remaining beyond the time allowed.
2. **Monitor Activities**:
    - Supervise the activities of belligerent ships while in port to prevent violations of neutrality.
3. **Intern or Expel Non-Compliant Vessels**:
    - Intern vessels that fail to comply with neutrality rules or expel them to restore compliance.
4. **Respond to Violations**:
    - Notify belligerents and possibly seek international arbitration if neutrality is violated.

Consequences of Misuse

If belligerents misuse neutral ports or if neutral states fail to enforce neutrality:

1. **Neutrality Compromised**:
    - The neutral state risks being seen as a participant in the conflict.
    - Belligerents may take retaliatory measures or escalate the conflict.
2. **International Accountability**:
    - The neutral state may face diplomatic or legal consequences under international law.

3. **Economic and Strategic Repercussions**:
    - Neutral ports may become targets for military actions or blockades.

Modern Considerations

1. **Globalized Shipping**:
    - Modern shipping lanes often require belligerents to transit near or through neutral states, complicating port use rules.
2. **Technological Advances**:
    - Sophisticated surveillance systems allow neutral states to monitor and enforce port regulations more effectively.
3. **Maritime Security Organizations**:
    - Bodies like the United Nations and the International Maritime Organization (IMO) influence the regulation of neutral port usage.
4. **Hybrid Warfare**:
    - The rise of non-state actors and unconventional naval tactics complicates the enforcement of neutrality laws.

Examples of Limited Port Use

1. **World Wars**:
    - Belligerent ships frequently sought neutral ports for resupply and repairs, often under strict supervision to prevent violations.
2. **Modern Conflicts**:
    - Neutral ports have been used for humanitarian aid distribution or temporary refuge during regional conflicts.

Conclusion

The limited right of belligerents to use neutral ports reflects a balance between military necessity and respect for the sovereignty of neutral states. While belligerents may access neutral ports under specific conditions, strict limitations ensure that neutrality is preserved and the conflict does not spread or escalate unnecessarily. Both belligerents and neutral states share responsibilities to uphold these principles in accordance with international law.

3-349.2 Right to Protest Violations of Neutrality

The right of belligerents to protest violations of neutrality allows states engaged in armed conflict to formally object to actions by neutral parties that compromise their impartiality or directly aid one belligerent at the expense of the other. This right is an essential mechanism

for maintaining the balance of neutrality and addressing grievances that arise when neutral states or entities fail to fulfill their obligations under international law.

Legal Basis

The right to protest violations of neutrality is rooted in:

1. **Customary International Law**: Long-established principles of neutrality during armed conflicts.
2. **Hague Conventions (1907)**:
    - **Hague Convention V**: Governs the rights and duties of neutral powers in land warfare.
    - **Hague Convention XIII**: Regulates neutrality in naval warfare.
3. **United Nations Charter (1945)**: Provides the framework for addressing disputes through peaceful means, including protests.
4. **International Diplomatic Practices**: Formal protests and communications between states are recognized as valid methods of dispute resolution.

Neutrality Obligations

Neutral states are required to:

1. **Abstain from Hostilities**:
    - Refrain from joining the conflict militarily or supporting any belligerent.
2. **Impartiality**:
    - Apply neutrality rules equally to all belligerents.
3. **Prevent Violations**:
    - Ensure their territory, citizens, or resources are not used to aid any belligerent.
4. **Maintain Sovereignty**:
    - Prevent belligerents from using their ports, airspace, or territory for military operations.

Grounds for Protest

Belligerents may protest if a neutral state or its entities:

1. **Allow Belligerent Use of Neutral Territory**:
    - Permit troops, military supplies, or equipment to pass through or operate within neutral territory.
2. **Provide Direct or Indirect Support**:
    - Supply weapons, intelligence, or financial aid to one side.

3. **Engage in Unneutral Acts**:
    - Allow nationals or companies to participate in the conflict or support one belligerent.
4. **Fail to Prevent Violations**:
    - Neglect to enforce neutrality laws or prevent hostile actions from neutral territory.

Protest Mechanisms

1. **Diplomatic Protests**:
    - Belligerents can lodge formal complaints through diplomatic channels, requesting an investigation or corrective action by the neutral state.
2. **Public Statements**:
    - Publicly denounce the violation to garner international attention and pressure the neutral party.
3. **Engagement with International Bodies**:
    - Bring the issue before the United Nations, International Court of Justice (ICJ), or regional organizations for mediation or adjudication.
4. **Retaliatory Measures**:
    - As a last resort, belligerents may impose sanctions, restrict trade, or take military actions to address the violation, provided they comply with international law.

Responsibilities of Neutral States

Neutral states must respond to protests by:

1. **Investigating Allegations**:
    - Conduct thorough inquiries into the alleged violation and determine its validity.
2. **Taking Corrective Action**:
    - Enforce stricter neutrality measures, such as monitoring trade or restricting belligerent activities.
3. **Maintaining Transparency**:
    - Communicate openly with all parties to demonstrate impartiality and adherence to neutrality principles.

Limitations on Belligerents

1. **Evidence Requirement**:
    - Belligerents must provide clear evidence to substantiate claims of neutrality violations.
2. **Respect for Sovereignty**:
    - Protests and actions must respect the sovereignty of neutral states.
3. **Proportionality**:
    - Responses to violations must be proportional to the severity of the breach.
4. **International Oversight**:
    - Belligerents must adhere to international law and may face scrutiny for disproportionate or unlawful actions.

Examples of Neutrality Protests

1. **World Wars**:
    - Belligerents frequently protested neutral states allowing enemy submarines or ships to use their waters or ports.
2. **Modern Conflicts**:
    - States have protested the use of neutral countries as bases for cyberattacks, intelligence sharing, or arms trafficking.

Modern Considerations

1. **Globalized Trade**:
    - Neutral states face challenges in distinguishing between lawful trade and actions that benefit one belligerent.
2. **Technology**:
    - Cyber operations and advanced logistics complicate enforcement and create new grounds for protest.
3. **International Adjudication**:
    - Increasing reliance on international bodies to resolve disputes related to neutrality.

Conclusion

The right of belligerents to protest violations of neutrality is a crucial mechanism for maintaining the integrity of neutrality during armed conflict. Protests enable belligerents to address grievances, hold neutral states accountable, and seek redress through diplomatic and legal channels. However, such protests must be grounded in evidence, respect for sovereignty, and adherence to international law to avoid escalating tensions or

compromising the neutral state's position. Neutral states, in turn, must act swiftly and transparently to address violations and uphold their obligations.

3-349.3 Right to Demand Compensation

The right of belligerents to demand compensation refers to their ability to seek reparations from neutral states or entities that have violated the principles of neutrality during an armed conflict, causing harm or unfair advantage to one belligerent. This right is a mechanism to ensure accountability and fairness in the conduct of war while maintaining the integrity of neutrality under international law.

Legal Basis

The right to demand compensation is grounded in:

1. **Customary International Law**: Established practices in conflicts where neutrality violations resulted in damages.
2. **Hague Conventions (1907)**:
    - **Hague Convention V**: Specifies that neutral states are liable for acts committed within their jurisdiction that violate neutrality.
    - **Hague Convention XIII**: Reinforces the responsibility of neutral powers in naval conflicts.
3. **International Adjudication**:
    - Institutions like the Permanent Court of Arbitration or the International Court of Justice (ICJ) may hear cases involving compensation claims for neutrality violations.

Grounds for Compensation

Belligerents may demand compensation if a neutral state or its entities:

1. **Provide Direct or Indirect Support**:
    - Supply military resources, intelligence, or financial aid to the opposing belligerent.
2. **Permit Violations on Neutral Territory**:
    - Allow military operations, recruitment, or refueling within their territory.
3. **Engage in Unneutral Service**:
    - Facilitate actions such as transporting troops, contraband, or engaging in hostile activities.

4. **Fail to Prevent Violations**:
    - Neglect to enforce neutrality laws or prevent violations by their nationals or corporations.
5. **Disrupt Belligerent Operations Unjustly**:
    - Seize, delay, or interfere with belligerent vessels or goods without legitimate cause.

Process of Demanding Compensation

1. **Identify the Violation**:
    - The belligerent must identify specific acts or omissions by the neutral state that caused harm or unfair advantage.
2. **Formal Protest**:
    - Issue a diplomatic protest to the neutral state, outlining the violation and requesting an investigation or corrective action.
3. **Calculation of Damages**:
    - Assess the financial or strategic harm caused by the violation, including lost resources, operational setbacks, or legal costs.
4. **Negotiate Compensation**:
    - Attempt to resolve the issue through bilateral negotiations or mediation.
5. **Seek International Adjudication**:
    - If negotiations fail, the belligerent may bring the case to an international court or arbitration body.

Limitations on Demanding Compensation

1. **Burden of Proof**:
    - The belligerent must provide clear evidence of the violation and its impact.
2. **Proportionality**:
    - The compensation demanded must be proportional to the harm caused.
3. **Respect for Sovereignty**:
    - The process must respect the neutral state’s sovereignty and adhere to diplomatic norms.
4. **International Oversight**:
    - Unilateral actions to enforce compensation demands may be subject to scrutiny or condemnation by international organizations.

Responsibilities of Neutral States

Neutral states must:

1. **Investigate Allegations**:
    - Conduct thorough inquiries into claims of neutrality violations.
2. **Provide Redress**:
    - Offer compensation if the investigation confirms the violation.
3. **Implement Preventive Measures**:
    - Strengthen enforcement of neutrality laws to prevent future violations.

Examples of Demanding Compensation

1. **Historical Cases**:
    - During the **Alabama Claims (1872)**, the United States successfully demanded compensation from Britain for damages caused by the Confederate ship Alabama, which was built and supplied in British ports.
2. **Modern Conflicts**:
    - Belligerents have demanded compensation for violations involving arms sales, intelligence leaks, or interference in shipping lanes.

Modern Considerations

1. **Economic Globalization**:
    - Neutral states often face complex challenges in regulating their trade and finance sectors to prevent unintentional violations.
2. **Technology and Cyber Warfare**:
    - Violations involving cyberattacks, digital surveillance, or technology transfers may lead to new forms of compensation claims.
3. **International Institutions**:
    - Growing reliance on international courts and arbitration bodies to resolve disputes and determine compensation.

Conclusion

The right of belligerents to demand compensation is a vital mechanism for addressing violations of neutrality and ensuring accountability. It serves to uphold the principles of fairness and impartiality during armed conflicts. However, the process requires careful adherence to international law, proportionality, and respect for the sovereignty of neutral states to maintain legitimacy and prevent further escalation of disputes. Neutral states, in turn, must diligently enforce their obligations and address violations transparently to avoid liability.

3-35 Duties of Belligerents Toward Neutrals

The duties of belligerents toward neutrals during armed conflict are governed by international law, particularly the Hague Conventions, Geneva Conventions, and customary international law. These duties aim to ensure that neutral states maintain their non-involvement in the conflict and that their rights are respected. Below are the primary duties of belligerents toward neutrals:

1. Respect for Neutral Territory

- **Prohibition of Hostilities:** Belligerents must not conduct military operations, such as attacks or troop movements, within the territory of a neutral state.
- **No Military Bases or Troop Deployment:** Belligerents cannot establish bases, deploy troops, or use neutral territory for military purposes.
- **Airspace Violations:** Neutral airspace must not be used by belligerent military aircraft for transit or attacks.

2. Non-Interference with Neutral Commerce

- **Freedom of Trade:** Neutral states have the right to trade with other neutral and belligerent states, subject to restrictions on contraband.
- **Blockades:** Belligerents may impose blockades, but they must adhere to international law by making them effective and not targeting neutral vessels arbitrarily.
- **Prohibition on Unlawful Seizures:** Belligerents may only seize neutral ships carrying contraband if it is within the bounds of lawful prize law.

3. Protection of Neutral Nationals

- **Respect for Property:** Neutral individuals and their property must not be targeted unless they are directly participating in hostilities.
- **Requisition or Use of Neutral Property:** If absolutely necessary, belligerents must compensate neutrals for requisitioned property or services.

4. Abstaining from Pressure on Neutral States

- **No Coercion:** Belligerents cannot compel neutral states to join the conflict or impose political or military conditions that compromise neutrality.
- **Diplomatic Immunity:** The diplomatic relations and envoys of neutral states must remain inviolable.

5. Responsibility for Violations

- Belligerents are responsible for any violations of neutrality and may be required to compensate neutral states for damages resulting from unlawful actions.

Relevant Provisions

- **Hague Convention V (1907):** Outlines the rights and duties of neutral powers during war on land.
- **Hague Convention XIII (1907):** Details the rights and duties of neutral powers in naval warfare.
- **Geneva Conventions:** While focused on humanitarian aspects, they emphasize the protection of civilians, including those in neutral states.

These principles help to maintain international stability and reduce the scope of conflict. Belligerents violating these duties risk international condemnation, countermeasures, and possible legal repercussions.

3-351 Respect for Neutral Territory

The duty of belligerents to respect neutral territory is a fundamental principle of international law that obligates states engaged in armed conflict to refrain from using the territory, airspace, or waters of neutral states for military purposes. This duty aims to protect the sovereignty and impartiality of neutral states while ensuring that their territories are not drawn into the conflict.

Legal Basis

The duty to respect neutral territory is grounded in:

1. **Customary International Law**: Established practices governing neutrality during conflicts.
2. **Hague Conventions (1907)**:
    - **Hague Convention V**: Governs the rights and duties of neutral powers and persons in land warfare.
    - **Hague Convention XIII**: Applies similar principles to naval warfare.
3. **United Nations Charter (1945)**:
    - Upholds principles of sovereignty, territorial integrity, and non-interference.

Scope of Neutral Territory

Neutral territory includes:

1. **Land**: The physical territory of a neutral state.
2. **Airspace**: The airspace above neutral territory, which must not be used for military operations or overflights by belligerent aircraft.
3. **Waters**:
    - **Internal Waters**: Lakes, rivers, and ports fully under the sovereignty of the neutral state.
    - **Territorial Waters**: Coastal waters extending up to 12 nautical miles from a neutral state's baseline.

Obligations of Belligerents

Belligerents must:

1. **Refrain from Entering Neutral Territory**:
    - Avoid entering neutral land, airspace, or waters with military forces, equipment, or supplies unless permitted by the neutral state for specific reasons (e.g., humanitarian purposes).
2. **Prohibit Hostile Acts in Neutral Territory**:
    - Refrain from launching attacks, recruiting soldiers, or conducting intelligence operations from neutral territory.
3. **Respect Neutrality Rules**:
    - Comply with regulations imposed by neutral states, such as restrictions on the duration of stays in ports or limitations on resupplying warships.
4. **Avoid Pursuits into Neutral Territory**:
    - Cease pursuit of enemy forces, ships, or aircraft once they enter neutral territory.
5. **Prevent Violations by Agents**:
    - Ensure that private entities, citizens, or companies under their control do not use neutral territory for hostile purposes.

Prohibited Actions in Neutral Territory

1. **Stationing Troops**:
    - Deploying military personnel or bases within neutral borders.
2. **Transporting Troops or Equipment**:
    - Using neutral territory as a corridor for troop movements or supply lines.
3. **Launching Attacks**:
    - Initiating military operations from or within neutral airspace, waters, or land.

4. **Interfering with Neutral Shipping**:
    - Attacking or detaining neutral vessels within neutral territorial waters.
5. **Using Neutral Ports for Combat Preparation**:
    - Refitting, arming, or significantly resupplying warships in neutral ports.

Neutral State Rights and Responsibilities

Neutral states are obligated to:

1. **Enforce Neutrality**:
    - Prevent their territory from being used for hostile acts by belligerents or their agents.
2. **Detain Violators**:
    - Intern belligerent troops or warships that enter their territory unlawfully.
3. **Impose Equal Restrictions**:
    - Apply neutrality rules impartially to all belligerents.
4. **Defend Sovereignty**:
    - Use force if necessary to expel or prevent unauthorized military activity by belligerents.

Consequences of Violating Neutral Territory

1. **Liability for Damages**:
    - A belligerent that violates neutral territory may be held responsible for damages to the neutral state.
2. **International Repercussions**:
    - Violations may lead to diplomatic protests, sanctions, or intervention by international organizations.
3. **Neutral State's Loss of Neutrality**:
    - Repeated or significant violations may compromise the neutral state's status, potentially drawing it into the conflict.
4. **Countermeasures**:
    - Neutral states may take lawful countermeasures, such as internment or expulsion, against violators.

Modern Considerations

1. **Airspace and Cyber Operations**:
    - Advances in technology have extended the concept of neutral territory to include cyberspace and airspace, complicating enforcement.

2. **Globalized Conflicts**:
    - Interconnected economies and alliances make neutrality harder to maintain and violations more likely.
3. **International Oversight**:
    - Neutrality violations are increasingly scrutinized by international courts and organizations like the United Nations.

Historical and Modern Examples

1. **World War I and II**:
    - Repeated violations of neutral territory occurred, such as Germany's invasion of Belgium in World War I and the use of neutral ports by submarines in World War II.
2. **Modern Conflicts**:
    - Neutral airspace violations by drones or military aircraft are common concerns in contemporary warfare.

Conclusion

The duty of belligerents to respect neutral territory is a cornerstone of international law, ensuring that neutral states remain uninvolved in conflicts and their sovereignty is preserved. While belligerents must exercise restraint and adhere to these principles, neutral states have corresponding responsibilities to enforce their neutrality and prevent violations. In an era of evolving technology and globalized conflict, this duty remains critical for maintaining international order and minimizing the spread of hostilities.

3-352 Non-Interference with Neutral Commerce

The duty of belligerents to non-interference with neutral commerce obligates states engaged in armed conflict to respect the rights of neutral states and their nationals to conduct trade and commerce without unjustified hindrance. This principle seeks to balance the belligerents' right to pursue their military objectives with the neutrals' right to continue peaceful economic activities.

Legal Basis

The duty of non-interference with neutral commerce is grounded in:

1. **Customary International Law**:
    - Long-standing practices that recognize the rights of neutral states and their citizens to engage in trade.

2. **Hague Conventions (1907)**:
    - **Hague Convention V**: Governs neutrality in land warfare and reinforces neutral rights.
    - **Hague Convention XIII**: Focuses on naval warfare and the protection of neutral commerce at sea.
3. **Declaration of Paris (1856)**:
    - Codifies the principle that neutral goods, except contraband, cannot be seized on enemy ships and that neutral ships cannot carry contraband without risk.
4. **United Nations Charter (1945)**:
    - Emphasizes principles of sovereignty and non-interference in peaceful international relations.

Neutral Commerce Rights

Neutral states and entities are entitled to:

1. **Freedom of Navigation**:
    - The right to use international waters and high seas without interference, unless restricted by a lawful blockade.
2. **Trade in Non-Contraband Goods**:
    - The right to transport goods that are not classified as contraband, even to belligerent states.
3. **Protection of Neutral Vessels**:
    - Immunity of neutral ships from attack or seizure unless they are engaging in unneutral acts.

Obligations of Belligerents

Belligerents must:

1. **Respect Neutral Vessels and Goods**:
    - Avoid interfering with neutral vessels unless there is a valid legal justification, such as the transport of contraband or breach of a blockade.
2. **Minimize Disruption to Trade**:
    - Ensure that inspections, detentions, or seizures are limited to situations where there is clear evidence of neutrality violations.
3. **Refrain from Arbitrary Actions**:
    - Avoid unjustified actions such as sinking or confiscating neutral vessels or goods without due process.

4. **Provide Compensation for Wrongful Actions**:
    - If neutral commerce is interfered with unjustly, belligerents are obligated to compensate for losses or damages.

Permissible Interference

While belligerents must generally respect neutral commerce, certain exceptions exist under international law:

1. **Contraband**:
    - Neutral vessels carrying contraband destined for a belligerent may be stopped, searched, and have the contraband seized.
    - Contraband typically includes weapons, ammunition, and other goods that directly support military operations.
2. **Blockade Enforcement**:
    - Neutral vessels attempting to breach a lawful and effectively enforced blockade may be detained or confiscated.
3. **Unneutral Service**:
    - Neutral ships providing direct military assistance to a belligerent, such as transporting troops or gathering intelligence, may be seized or destroyed.
4. **False Documentation**:
    - Neutral ships carrying false papers or misrepresenting their cargo or destination may be detained for investigation.

Limitations on Belligerents

1. **Proof of Violation**:
    - Belligerents must have reasonable grounds and evidence to justify interference with neutral commerce.
2. **Proportionality**:
    - Actions taken against neutral vessels must be proportional to the suspected violation and should not cause undue harm to neutral parties.
3. **Fair Treatment**:
    - Neutral states must be treated equally, and their vessels cannot be targeted based on favoritism or discrimination.
4. **Judicial Oversight**:
    - Cases involving seized or detained vessels and goods must be adjudicated in prize courts to ensure compliance with international law.

Responsibilities of Neutral States

Neutral states must:

1. **Ensure Compliance with Neutrality**:
    - Prevent their vessels and nationals from engaging in activities that violate neutrality, such as carrying contraband or aiding belligerents.
2. **Provide Transparency**:
    - Ensure proper documentation of cargo and destinations to avoid suspicion of neutrality violations.

Consequences of Violating Neutral Commerce

1. **Liability for Damages**:
    - Belligerents interfering unlawfully with neutral commerce may be held accountable for financial compensation.
2. **Diplomatic Repercussions**:
    - Violations may lead to protests, strained relations, or international condemnation.
3. **Loss of Neutral Support**:
    - Neutral states may retaliate economically or diplomatically if their commerce is unjustly targeted.

Modern Considerations

1. **Global Supply Chains**:
    - The complexity of modern trade networks makes it challenging to differentiate between neutral and belligerent commerce.
2. **Cyber Trade and Digital Goods**:
    - The rise of digital commerce raises new questions about what constitutes neutral trade.
3. **International Oversight**:
    - Organizations like the United Nations or the International Maritime Organization (IMO) may intervene in disputes over interference with neutral commerce.

Historical and Modern Examples

1. **World Wars**:
    - During both World Wars, belligerents frequently interfered with neutral shipping, leading to controversies such as Germany’s unrestricted submarine warfare and Britain’s naval blockades.

2. **Sanctions and Trade Restrictions**:
    - Modern conflicts often involve economic sanctions, raising debates about their compatibility with neutral rights.

Conclusion

The duty of belligerents to respect neutral commerce ensures a balance between the necessities of war and the rights of states not involved in the conflict. While belligerents may interfere with neutral trade in specific, legally justified circumstances, they must do so in a manner that respects international law, minimizes harm, and avoids unnecessary disruption to global commerce. Neutral states, in turn, must uphold their obligations to remain impartial and ensure their trade practices do not aid the conflict.

3-353 Protection of Neutral Nationals

The duty of belligerents to protect neutral nationals refers to their obligation under international law to respect and safeguard the lives, property, and rights of individuals and entities from neutral states during armed conflicts. This duty ensures that those not involved in the conflict are shielded from harm and that their neutral status is upheld.

Legal Basis

The duty to protect neutral nationals is rooted in:

1. **Customary International Law**:
    - Established principles that safeguard non-combatants and neutral parties during warfare.
2. **Hague Conventions (1907)**:
    - **Hague Convention V**: Protects the rights of neutral persons and states during land warfare.
    - **Hague Convention XIII**: Addresses the treatment of neutral nationals and property during naval warfare.
3. **Geneva Conventions (1949)**:
    - Emphasize the protection of civilians and non-combatants in times of war.
4. **United Nations Charter (1945)**:
    - Promotes respect for human rights and the sovereignty of neutral states.

Scope of Protection

1. **Personal Safety**:
    - Neutral nationals must not be targeted, injured, or harmed during military operations.
    - They are entitled to humane treatment if detained or affected by the conflict.
2. **Property Rights**:
    - Neutral property, including ships, businesses, and goods, must be respected and cannot be arbitrarily confiscated, destroyed, or requisitioned.
3. **Freedom of Movement**:
    - Neutral nationals have the right to travel and reside safely, provided they are not engaging in activities that compromise their neutrality.
4. **Economic Activities**:
    - Neutral nationals must be allowed to engage in lawful commerce, except in cases involving contraband or other activities aiding a belligerent.

Obligations of Belligerents

Belligerents must:

1. **Avoid Targeting Neutral Persons**:
    - Refrain from attacking or harming neutral civilians, businesses, or ships, whether on land, at sea, or in the air.
2. **Respect Neutral Property**:
    - Ensure that neutral-owned assets are not subject to destruction, confiscation, or requisition without legal justification.
3. **Ensure Humane Treatment**:
    - If neutral nationals are detained, they must be treated in accordance with international humanitarian law, including provisions for food, shelter, and legal protections.
4. **Prevent Collateral Damage**:
    - Take precautions to avoid harming neutral nationals or their property during military operations.

Limitations on Neutral Protection

While neutral nationals enjoy protections, certain actions may affect their status or rights:

1. **Engaging in Hostile Acts**:
    - Neutral nationals who participate in hostilities, provide intelligence, or directly support one belligerent may forfeit their neutral protections.

2. **Carrying Contraband**:
    - Neutral ships transporting contraband may be subject to detention or confiscation by a belligerent.
3. **Entering Prohibited Zones**:
    - Neutral nationals traveling to or operating in active conflict zones assume certain risks and may face restrictions or detainment.

Responsibilities of Neutral Nationals

Neutral nationals must:

1. **Maintain Impartiality**:
    - Avoid actions that compromise their neutral status, such as aiding one belligerent or engaging in espionage.
2. **Comply with Belligerent Laws**:
    - Adhere to the laws and regulations of the territories in which they reside or conduct business.
3. **Document Activities**:
    - Provide clear documentation of their goods, trade, or travel to demonstrate their neutrality.

Consequences of Violating Neutral Rights

1. **Accountability for Belligerents**:
    - Belligerents that harm or violate the rights of neutral nationals may face diplomatic protests, demands for compensation, or international condemnation.
2. **Legal Liability**:
    - International courts or tribunals, such as the International Court of Justice (ICJ), may hold belligerents accountable for violations of neutral rights.
3. **Economic and Diplomatic Repercussions**:
    - Neutral states may impose sanctions, sever diplomatic ties, or take other measures in response to violations.

Examples of Protecting Neutral Nationals

1. **Naval Warfare**:
    - Belligerents are required to respect neutral merchant ships and ensure their safety unless they are carrying contraband.

2. **Occupation Scenarios**:
    - During occupations, neutral nationals living in the occupied territory must be treated fairly and their property respected.
3. **Modern Conflicts**:
    - In contemporary warfare, protecting neutral nationals includes avoiding harm to expatriates, foreign workers, and international businesses.

Modern Considerations

1. **Globalized Movement**:
    - The increased mobility of people and goods makes the identification and protection of neutral nationals more complex.
2. **Cybersecurity and Digital Assets**:
    - Belligerents must ensure that the digital property and communications of neutral nationals are not unlawfully targeted.
3. **International Oversight**:
    - Organizations like the United Nations and the International Committee of the Red Cross (ICRC) often monitor and address violations of neutral protections.

Conclusion

The duty of belligerents to protect neutral nationals is a cornerstone of international law, ensuring that those not involved in a conflict are shielded from its effects. This duty requires strict adherence to principles of humanity, sovereignty, and neutrality, balancing the conduct of warfare with respect for individual and state rights. Violations of these duties can lead to significant diplomatic, legal, and reputational consequences for the offending belligerent.

3-354 Abstaining from Pressure on Neutral States

The duty of belligerents to abstain from pressure on neutral states obligates warring states to refrain from actions that coerce or unduly influence neutral states to abandon their impartiality or support one belligerent over another. This duty is a cornerstone of international law, ensuring that neutral states can maintain their sovereignty, independence, and impartiality during armed conflicts.

Legal Basis

This duty is derived from:

1. **Customary International Law**:
    - Long-standing principles protecting the rights of neutral states to remain impartial.
2. **Hague Conventions (1907)**:
    - **Hague Convention V**: Emphasizes the inviolability of neutral states and their right to refrain from participation in hostilities.
3. **United Nations Charter (1945)**:
    - Upholds the principles of sovereignty, non-intervention, and the right of states to self-determination.
4. **International Diplomatic Norms**:
    - Practices and principles that govern the peaceful coexistence of states during conflicts.

Obligations of Belligerents

Belligerents must:

1. **Respect Sovereignty**:
    - Avoid any interference in the internal or external affairs of neutral states.
2. **Refrain from Economic Coercion**:
    - Do not impose undue economic pressure, such as sanctions or trade restrictions, to compel neutrality violations.
3. **Avoid Diplomatic Pressure**:
    - Refrain from threats, intimidation, or other forms of coercion aimed at influencing a neutral state's policies.
4. **Respect Neutrality Declarations**:
    - Acknowledge and abide by a neutral state's declared position, including its policies regarding access to ports, airspace, and trade.

Prohibited Actions

Belligerents violate this duty if they:

1. **Use Military Threats**:
    - Threaten to invade or attack a neutral state to secure its support or compliance.
2. **Apply Economic Sanctions**:
    - Use economic tools to pressure a neutral state to favor one belligerent.

3. **Engage in Espionage or Sabotage**:
    - Conduct covert operations aimed at destabilizing the neutral state or compelling its participation in the conflict.
4. **Manipulate Political Systems**:
    - Interfere in the neutral state's political processes, such as elections, to install favorable leaders or policies.
5. **Block Access or Trade**:
    - Restrict a neutral state's access to essential resources, trade routes, or markets as leverage.

Rights of Neutral States

Neutral states have the right to:

1. **Maintain Impartiality**:
    - Abstain from supporting any belligerent militarily, politically, or economically.
2. **Control Their Policies**:
    - Decide their trade, diplomatic, and security policies without external interference.
3. **Defend Their Neutrality**:
    - Take defensive measures to protect their sovereignty and neutral status if threatened by a belligerent.

Responsibilities of Neutral States

Neutral states must:

1. **Uphold Neutrality Laws**:
    - Prevent their territory, citizens, or resources from being used to support one belligerent.
2. **Enforce Impartiality**:
    - Apply neutrality rules equally to all belligerents, avoiding favoritism.
3. **Resist Coercion**:
    - Reject attempts by belligerents to pressure them into abandoning their neutral stance.

Consequences of Violating Neutrality

1. **For Belligerents**:
    - Diplomatic Repercussions: Violations may lead to protests, condemnation, or sanctions from neutral states and the international community.

- Legal Accountability: Neutral states may seek redress through international courts, such as the International Court of Justice (ICJ).

2. **For Neutral States**:
   - Compromised Neutrality: Yielding to pressure may result in a loss of neutral status and potential involvement in the conflict.

Examples of Pressuring Neutral States

1. **World War II**:
   - Belligerents pressured neutral states like Sweden and Switzerland for economic resources, strategic routes, or political alignment.
2. **Cold War**:
   - Superpowers often attempted to influence neutral countries to align with their ideologies or interests.
3. **Modern Conflicts**:
   - Economic sanctions and diplomatic pressures are used in globalized conflicts to influence neutral or non-aligned states.

Modern Considerations

1. **Economic and Cyber Coercion**:
   - The rise of cyber warfare and globalized economies creates new forms of pressure on neutral states, such as cyberattacks or financial manipulation.
2. **International Oversight**:
   - Neutral states increasingly rely on international organizations like the United Nations to address coercion or interference.
3. **Global Alliances**:
   - Neutral states in an interconnected world must navigate complex alliances and economic dependencies, making them more susceptible to indirect pressures.

Conclusion

The duty of belligerents to abstain from pressuring neutral states is essential to preserving sovereignty, impartiality, and stability in international relations during armed conflicts. Belligerents must exercise restraint, respect neutrality declarations, and adhere to international law to ensure that neutral states can remain uninvolved in hostilities. Neutral states, in turn, must uphold their commitments to impartiality and resist coercion to maintain their credibility and independence. Violations of this duty can lead to significant diplomatic, legal, and geopolitical consequences for all parties involved.

3-355 Responsibility for Violations

The duty of belligerents to be responsible for violations is a fundamental principle of international law requiring states engaged in armed conflict to take accountability for breaches of legal norms, including the laws of war, neutrality, and other internationally binding obligations. This responsibility includes providing reparations, addressing harm caused, and taking measures to prevent future violations.

Legal Basis

The duty of belligerents to accept responsibility for violations is grounded in:

1. **Customary International Law**:
    - States are accountable for actions that violate international obligations during war.
2. **Hague Conventions (1907)**:
    - Established rules governing the conduct of belligerents, including obligations to respect neutral rights and avoid unnecessary harm.
3. **Geneva Conventions (1949)**:
    - Require belligerents to respect humanitarian laws and ensure accountability for breaches, including war crimes.
4. **United Nations Charter (1945)**:
    - Upholds principles of state accountability and provides mechanisms for addressing violations.
5. **International Court of Justice (ICJ) and International Criminal Court (ICC)**:
    - Offer venues for legal redress and adjudication of state and individual responsibility.

Scope of Responsibility

Belligerents are responsible for:

1. **Violations of Neutrality**:
    - Infringements on the sovereignty and rights of neutral states, such as unauthorized military actions or coercion.
2. **War Crimes and Atrocities**:
    - Actions that violate international humanitarian law, including targeting civilians, using prohibited weapons, or mistreating prisoners of war.
3. **Damage to Neutral Nationals**:
    - Harm caused to the lives or property of neutral persons or entities.

4. **Environmental Harm**:
    - Damage to the environment during military operations, particularly if it affects neutral states or global ecosystems.
5. **Economic Disruption**:
    - Interference with neutral trade or unjust seizure of property.

Forms of Responsibility

1. **State Responsibility**:
    - The state itself is held accountable for violations committed by its armed forces, agents, or officials.
2. **Individual Responsibility**:
    - Military and civilian leaders, as well as individuals, may be held personally accountable for serious breaches, such as war crimes or crimes against humanity.

Obligations of Responsible States

1. **Acknowledgment**:
    - Publicly recognize the violation and accept responsibility.
2. **Investigation and Accountability**:
    - Conduct thorough investigations and hold perpetrators accountable, including through military tribunals or international courts.
3. **Reparations**:
    - Provide restitution, compensation, or satisfaction to affected parties, including neutral states and nationals.
4. **Prevention of Recurrence**:
    - Implement measures to ensure similar violations do not occur in the future, such as training personnel in international humanitarian law.

Enforcement Mechanisms

1. **Diplomatic Protests**:
    - Affected states may formally protest violations and demand accountability or reparations.
2. **International Adjudication**:
    - Disputes may be resolved in international forums, such as the ICJ, ICC, or arbitration bodies.

3. **Sanctions and Retaliatory Measures**:
    - Neutral or affected states may impose economic or diplomatic sanctions to compel compliance.
4. **UN Security Council Actions**:
    - In cases of significant violations, the Security Council may impose measures, including peacekeeping operations or sanctions.

Consequences of Failing to Assume Responsibility

1. **Loss of Legitimacy**:
    - Failure to take responsibility undermines a belligerent's credibility and moral standing in the international community.
2. **International Condemnation**:
    - Violations may result in resolutions or declarations against the offending state.
3. **Sanctions and Isolation**:
    - Economic, political, or military sanctions may be imposed as punitive measures.
4. **Legal Consequences**:
    - States and individuals may face prosecution in international courts.

Examples of Accountability in Practice

1. **The Alabama Claims (1872)**:
    - The United States successfully demanded reparations from the United Kingdom for aiding the Confederate ship Alabama during the American Civil War.
2. **Post-War Tribunals**:
    - The Nuremberg and Tokyo Tribunals held individuals accountable for war crimes following World War II.
3. **Modern Cases**:
    - Prosecutions for war crimes in the former Yugoslavia, Rwanda, and other conflicts under the ICC and ad hoc tribunals.

Modern Considerations

1. **Cyber Warfare**:
    - The rise of cyberattacks raises questions about responsibility for violations affecting neutral states or civilian infrastructure.

2. **Environmental Accountability**:
    - Growing focus on environmental damage caused during conflicts, such as the use of defoliants or the destruction of natural resources.
3. **Globalized Impacts**:
    - Violations affecting global trade, finance, or human rights create broader obligations for accountability.

Conclusion

The duty of belligerents to be responsible for violations reinforces accountability, fairness, and the rule of law during armed conflicts. By accepting responsibility for breaches and providing redress, belligerents uphold international norms and mitigate the broader impacts of war. Failure to assume responsibility can lead to significant diplomatic, legal, and reputational consequences, highlighting the importance of adhering to the principles of international law in modern warfare.

Chapter 4

Scope of Neutrality

4-1 Temporal (When)

4-11 Temporal Scope

The temporal scope of Neutrality refers to when its principles and obligations take effect. Typically, this would be explicitly defined in the framework, treaty, or agreement establishing Neutrality. In general, there are several key moments or conditions under which Neutrality might come into force:

1. **At the Time of Declaration or Agreement**:
    - Neutrality may begin once a state formally declares its intent to remain neutral or ratifies an agreement that establishes its neutral status.
    - This could be tied to the start of a conflict or as a standing policy of neutrality during any potential future conflicts.
2. **In Response to a Specific Event**:
    - Neutrality might come into force in reaction to the outbreak of war or conflict between other states.
    - For example, a neutral state's obligations often start the moment hostilities break out among other parties.
3. **During a Predefined Period**:
    - Neutrality may have specific temporal limits, such as during the duration of a conflict, after which the obligations may cease.
    - In some cases, neutrality agreements might also specify a transition or preparatory phase before they come fully into effect.
4. **Upon Ratification or Activation of a Legal Instrument**:
    - In some frameworks, Neutrality takes effect upon the signing or activation of international agreements, like the Hague Conventions or specific treaties between states.

4-12 Beginning of Neutrality

The beginning of neutrality is the point at which a state or entity declares its intention to remain impartial during an armed conflict between belligerents, refraining from supporting or opposing any side. Neutrality is established either through a formal declaration, adherence to international law, or customary practices. It marks the state’s commitment to maintaining peace within its territory while ensuring compliance with the rights and duties of neutrality.

Key Elements in the Beginning of Neutrality

1. **Declaration of Neutrality**:
    - A formal public statement issued by a state, affirming its intention to remain neutral in a specific conflict.
    - Examples include declarations made at the outset of major wars, such as Switzerland's neutrality during World War II.
2. **Adherence to International Law**:
    - The neutral state aligns its policies with international treaties and conventions, including:
        - **Hague Convention V (1907)**: Establishes the rights and duties of neutral powers and persons in land warfare.
        - **Hague Convention XIII (1907)**: Governs neutrality in naval warfare.
3. **Non-Participation**:
    - The neutral state abstains from joining military alliances or providing support, either directly or indirectly, to belligerent parties.
4. **Notification to Belligerents**:
    - Neutral states formally communicate their neutral status to the warring parties and relevant international organizations.
5. **Domestic Measures**:
    - Neutrality begins with internal policies to ensure compliance, such as prohibiting recruitment for foreign armies, regulating arms trade, or monitoring the use of its territory by belligerents.

Principles of Neutrality at Its Inception

1. **Impartiality**:
    - The neutral state treats all belligerents equally and avoids favoring one side over the other.
2. **Non-Hostility**:
    - The neutral state refrains from participating in hostilities or allowing its territory to be used for military purposes.
3. **Sovereignty**:
    - The state maintains control over its territory and ensures it is not used to the advantage of any belligerent.

Duties of Neutral States Upon Declaring Neutrality

1. **Prevent Unneutral Acts**:
    - Neutral states must prevent their citizens, companies, or territory from being used to support belligerent activities.
2. **Enforce Neutrality Laws**:
    - Domestic laws are implemented to prohibit activities like recruiting mercenaries, exporting arms to belligerents, or engaging in espionage.
3. **Maintain Defense Readiness**:
    - Neutral states must ensure their sovereignty is respected and be prepared to defend against violations of their neutrality.

Rights of Neutral States at the Onset of Neutrality

1. **Inviolability of Territory**:
    - Belligerents are obligated to respect the neutral state's borders, airspace, and waters.
2. **Freedom of Commerce**:
    - Neutral states can engage in trade and commerce, except for restricted goods such as contraband destined for belligerents.
3. **Immunity from Retaliation**:
    - Belligerents must not impose sanctions or take hostile actions against a neutral state for declaring neutrality.

Challenges at the Beginning of Neutrality

1. **Recognition by Belligerents**:
    - Ensuring that warring parties respect the state's neutral status and refrain from interference.
2. **Economic Impacts**:
    - Balancing trade and economic activities while avoiding favoritism that could jeopardize neutrality.
3. **Globalized Conflicts**:
    - Managing neutrality in a world of interconnected alliances and economic dependencies.

Historical Examples of Neutrality's Beginning

1. **Switzerland**:
    - Declared neutrality in 1815 during the Congress of Vienna, which was later reinforced during both World Wars.

2. **Sweden**:
    - Maintained neutrality during World War II, avoiding direct involvement while navigating complex trade relations with belligerents.
3. **Ireland**:
    - Declared neutrality during World War II, adopting a policy of non-alignment while defending its sovereignty.

Conclusion

The beginning of neutrality signifies a state's commitment to remaining uninvolved in armed conflicts while adhering to international law. It requires careful planning, strict enforcement of neutrality rules, and diplomatic engagement with belligerents. Properly executed, neutrality helps to safeguard the state’s sovereignty, promote peace, and reduce the spread of hostilities. However, the challenges of maintaining neutrality demand vigilance, transparency, and respect for international norms.

4-13 Ending of Neutrality

Neutrality ends when a neutral state ceases to meet its obligations of impartiality and non-participation in an armed conflict, or when external circumstances force it to abandon its neutral status. The termination of neutrality can occur through voluntary action, violation by belligerents, or the conclusion of the conflict.

Conditions for the End of Neutrality

1. **Voluntary Abandonment**:
    - A neutral state may decide to join the conflict, either as a participant in the hostilities or as an ally to one of the belligerents.
    - Examples:
        - Entering into a military alliance.
        - Declaring war on one or more belligerents.
2. **Violation of Neutrality by the Neutral State**:
    - A neutral state forfeits its neutral status if it:
        - Allows belligerents to use its territory for military purposes.
        - Provides direct or indirect support to one side (e.g., troops, weapons, or financial aid).
        - Engages in unneutral acts, such as favoring one belligerent in trade policies or permitting espionage.

3. **Violation of Neutrality by Belligerents**:
    - Neutrality may effectively end if a belligerent violates the neutral state's sovereignty, such as through:
        - Invasion or occupation of the neutral state’s territory.
        - Persistent unauthorized use of its ports, airspace, or land.
    - In such cases, the neutral state may be forced to defend itself, thereby becoming a belligerent.
4. **Conclusion of the Conflict**:
    - Neutrality ends automatically when the conflict between the belligerents concludes, as there is no longer a situation requiring the state to maintain impartiality.
5. **International Recognition of Neutrality Termination**:
    - Neutrality may also end if the international community no longer recognizes the state's neutral status, either because of its actions or changes in geopolitical circumstances.

Legal and Practical Implications of Ending Neutrality

1. **Transition to Belligerency**:
    - If a neutral state abandons its neutrality to join the conflict, it assumes the rights and obligations of a belligerent under international law.
2. **Loss of Neutral Rights**:
    - Neutral states that end their neutrality lose the protections afforded under the laws of neutrality, such as the inviolability of their territory.
3. **Diplomatic and Economic Consequences**:
    - The end of neutrality may lead to diplomatic realignments, trade restrictions, or other political and economic repercussions.

Historical Examples of Neutrality Ending

1. **United States in World War I**:
    - Maintained neutrality until 1917, when it declared war on Germany following repeated violations of its neutral rights, such as unrestricted submarine warfare.
2. **Belgium in World War I**:
    - Declared neutrality but was invaded by Germany, forcing Belgium to join the war to defend its sovereignty.

3. **Norway in World War II**:
    - Declared neutrality but was invaded by Germany in 1940, leading to its active involvement in the war.

Modern Considerations

1. **Complex Alliances**:
    - In a globalized world, alliances and economic dependencies make it challenging to maintain strict neutrality, potentially leading to its end during protracted conflicts.
2. **Cyber and Hybrid Warfare**:
    - Neutral states may find it difficult to maintain their status in conflicts involving cyberattacks or non-traditional warfare tactics that blur the lines between neutrality and participation.
3. **Post-Conflict Roles**:
    - After a conflict ends, former neutral states may face new obligations, such as contributing to post-war reconstruction or realigning their foreign policies.

Conclusion

Neutrality ends when a state abandons its impartiality, its rights are violated by belligerents, or the conflict itself concludes. The end of neutrality has significant legal, political, and economic implications, as the state transitions to a new role, whether as a belligerent or a post-conflict actor. To navigate this transition effectively, states must carefully weigh their options and adhere to international norms to maintain their credibility and sovereignty.

4-14 The State of War as Temporal Criterion of Neutrality

The state of war is the temporal criterion of neutrality, as neutrality, by definition, arises and is relevant only during times of armed conflict. The existence of a state of war between belligerents triggers the application of neutrality laws, as neutral states must adopt a stance of impartiality and non-participation concerning the hostilities.

How the State of War Serves as a Temporal Criterion

1. **Neutrality is Conflict-Specific**:
    - Neutrality is not a permanent status but a temporary legal condition tied to a specific conflict. It begins when a war or armed conflict involving two or more belligerents is declared or otherwise recognized, and it ends when the conflict concludes or the neutral state ceases to remain impartial.

2. **Legal Frameworks Activated by War**:
    - The rules governing neutrality, such as those outlined in the Hague Conventions of 1907, only apply when there is a state of war. In peacetime, states are not bound by these specific obligations or entitled to the protections that neutrality affords.
3. **Duration of Neutrality**:
    - Neutrality lasts as long as the war or conflict continues, provided the neutral state upholds its obligations of impartiality and non-participation. Once the conflict ends, the obligations and rights associated with neutrality cease to apply.

Practical Implications

1. **Neutrality Does Not Exist Without Conflict**:
    - In the absence of a recognized war, the concept of neutrality is irrelevant. For example, during periods of peace or non-hostile relations between states, there is no need for a state to declare neutrality or adhere to its principles.
2. **Triggering Neutrality Obligations**:
    - The declaration or onset of hostilities between states activates the responsibilities of neutral states, such as refraining from aiding belligerents or allowing their territory to be used for military purposes.
3. **Conclusion of Neutrality with War's End**:
    - When the state of war ends—whether through a ceasefire, armistice, or peace treaty—neutrality automatically terminates because the context requiring it no longer exists.

Complications in Modern Contexts

1. **Undefined or Asymmetric Conflicts**:
    - In modern conflicts, the absence of formal declarations of war or the involvement of non-state actors complicates the application of neutrality. For example, in proxy wars or hybrid conflicts, the temporal criterion of neutrality may be less clear.
2. **Cyber and Economic Warfare**:
    - New forms of conflict, such as cyber warfare or trade wars, challenge traditional definitions of a "state of war" and whether neutrality applies in such contexts.

3. **Prolonged Occupations or Low-Intensity Conflicts**:
    - Situations involving extended occupations or ongoing low-intensity conflicts blur the lines of when neutrality begins or ends, as the state of war may not have a clear resolution.

Conclusion

The state of war is the temporal criterion for neutrality, as neutrality is intrinsically linked to the existence of armed conflict between belligerents. Without war, the obligations and rights associated with neutrality do not arise. However, modern developments in warfare and international relations have introduced complexities that challenge the traditional understanding of neutrality's temporal boundaries. Despite these challenges, the concept remains rooted in the context of war as its defining temporal framework.

4-2 Territorial (Where)

The territorial scope of neutrality determines the geographic areas where the rules of neutrality are applicable and defines the entities to whom neutrality obligations and protections extend. Neutrality applies to the territory, assets, and activities of neutral states, ensuring their sovereignty and impartiality during an armed conflict.

Territorial Scope of Neutrality

Neutrality applies to the following areas under the jurisdiction of a neutral state:

1. **Land Territory**:
    - Neutrality encompasses all land within the borders of a neutral state. Belligerents are prohibited from conducting military operations, stationing troops, or using the land for war purposes.
    - Example: Belligerents cannot deploy forces or launch attacks from the neutral state's soil.
2. **Airspace**:
    - A neutral state's airspace is inviolable. Belligerent aircraft may not fly over or use neutral airspace for military operations.
    - Example: During World War II, Sweden enforced its neutrality by prohibiting belligerent overflights.

3. **Waters**:
    - **Internal Waters**:
        - Neutrality applies to lakes, rivers, and ports within the neutral state's territory.
    - **Territorial Waters**:
        - Extends to 12 nautical miles from the neutral state's baseline. Belligerents may not use territorial waters for military purposes.
    - Exception: Belligerent ships may seek temporary refuge in neutral ports or waters under strict conditions (e.g., emergencies or repairs).
4. **Exclusive Economic Zone (EEZ) and High Seas**:
    - Neutrality does not apply to the high seas, where belligerents retain certain rights. However, the EEZ and resources within it remain under the neutral state's jurisdiction and are protected.
5. **Cyber Territory**:
    - In modern contexts, neutrality may extend to digital infrastructure, such as servers and networks, located within the neutral state's jurisdiction. Belligerents may not use or attack these assets.

Entities to Whom Neutrality Applies

Neutrality applies to:

1. **Neutral State and Government**:
    - The neutral government must ensure its policies, actions, and resources do not favor any belligerent.
    - This includes enforcing neutrality laws and preventing violations by individuals or organizations under its jurisdiction.
2. **Nationals of the Neutral State**:
    - Citizens and companies of the neutral state are expected to refrain from engaging in acts that compromise neutrality, such as:
        - Enlisting in foreign armies.
        - Exporting arms or contraband to belligerents.
        - Conducting intelligence or propaganda operations.
3. **Foreign Nationals on Neutral Territory**:
    - Belligerents' nationals residing in a neutral state are protected by neutrality but must not engage in military or espionage activities.

4. **Neutral Ships and Aircraft**:
    - Neutral-flagged vessels and aircraft are protected under international law. Belligerents must respect their operations, except in cases involving contraband or breaches of blockades.
5. **Occupied or Disputed Territories**:
    - If a neutral state occupies a region or is involved in a dispute, its ability to enforce neutrality in such areas may be subject to scrutiny or limitations.

Belligerent Obligations Regarding Neutrality

Belligerents must:

1. **Respect Neutral Territory**:
    - Refrain from conducting military operations in neutral land, airspace, or waters.
2. **Avoid Violations by Nationals**:
    - Prevent their citizens or entities from engaging in acts that compromise the neutrality of other states.

Limitations and Challenges

1. **Non-State Actors**:
    - Neutrality laws were traditionally designed for conflicts between states. The rise of non-state actors, such as terrorist organizations, complicates the scope of neutrality.
2. **Gray Zones of Warfare**:
    - Cyberattacks, hybrid warfare, and economic coercion blur the lines of neutrality, extending its scope to areas not traditionally covered.
3. **Globalized Trade**:
    - Modern trade networks make it difficult to enforce neutrality, particularly when goods and services cross multiple jurisdictions.

Modern Examples of Territorial Neutrality

1. **Switzerland**:
    - Maintains strict neutrality, including control over its airspace, borders, and economic policies during conflicts.
2. **Sweden and Finland (World War II)**:
    - Enforced neutrality in their territories while navigating pressures from both Allied and Axis powers.

3. **Cyberspace in Modern Conflicts**:
    - Neutral states increasingly must address whether their digital infrastructure is being used in conflicts, as seen in debates over hosting servers for belligerents.

Conclusion

The territorial scope of neutrality extends to the land, airspace, waters, and digital assets of a neutral state, ensuring its sovereignty and impartiality during conflicts. Neutrality also applies to individuals, organizations, and assets under the state's jurisdiction. While traditional frameworks provide clear guidelines, modern challenges like cyber warfare and globalized trade require evolving interpretations to maintain neutrality's relevance and effectiveness.

4-3 Objective (What + How)

4-31 Objektive Scope (What)

The objective scope of neutrality defines the types of relationships and interactions between neutral states and third parties, including belligerents, other neutral states, and international organizations, that are governed by neutrality principles. Neutrality requires impartiality and non-participation in the conflict while allowing certain types of lawful interaction, provided they do not compromise the neutral state's status.

Relationships with Belligerents

Neutrality governs interactions with belligerent states as follows:

1. **Trade and Economic Relations**:
    - **Permitted Trade**:
        - Neutral states may engage in trade with belligerents, provided it does not involve contraband or directly support the war effort.
        - Non-military goods like food, medicine, and consumer products are generally allowed.
    - **Prohibited Trade**:
        - The export of weapons, ammunition, or other goods classified as contraband is forbidden if destined for a belligerent.
    - **Equality**:
        - Trade policies must be applied impartially to all belligerents to maintain neutrality.

2. **Territorial Integrity**:
    - Neutral states must ensure that belligerents do not use their territory, waters, or airspace for military purposes, such as transporting troops or launching attacks.
    - Belligerents must respect neutral borders and not violate sovereignty.
3. **Humanitarian Assistance**:
    - Neutral states may provide humanitarian aid, such as asylum for refugees or medical assistance, without compromising their neutrality.
    - Aid must be offered impartially to all sides of the conflict.
4. **Military Restrictions**:
    - Belligerent warships may access neutral ports only under specific conditions, such as emergencies or short stays, and cannot use these facilities for military operations.
    - Military recruitment or training by belligerents within neutral territory is prohibited.

Relationships with Other Neutral States

Neutrality also governs interactions between neutral states:

1. **Cooperation to Maintain Neutrality**:
    - Neutral states may collaborate to safeguard their territories or enforce neutrality laws.
    - Example: Coordination on shared border security or maritime monitoring.
2. **Trade and Economic Support**:
    - Neutral states may trade freely with each other, as such interactions are unlikely to affect the conflict directly.
3. **Collective Neutrality Declarations**:
    - In some cases, groups of neutral states may issue joint declarations to emphasize their impartiality and commitment to avoiding involvement in the conflict.

Relationships with Non-Belligerent Third Parties

Neutral states must navigate interactions with non-belligerent states that are not directly involved in the conflict:

1. **Diplomatic Relations**:
    - Neutral states may continue normal diplomatic interactions with non-belligerent states, provided such relations do not favor one belligerent over another.

2. **Economic Engagement**:
    - Trade with non-belligerent states is generally unrestricted unless it indirectly benefits a belligerent in the conflict.
3. **Avoiding Proxy Conflicts**:
    - Neutral states must ensure that third parties do not use their territory, resources, or networks to indirectly support a belligerent.

Relationships with International Organizations

Neutrality extends to interactions with international organizations:

1. **Participation in Multilateral Frameworks**:
    - Neutral states may participate in international organizations (e.g., United Nations) as long as their actions within these bodies remain impartial.
    - Example: Voting on resolutions or providing peacekeeping forces under impartial mandates.
2. **Humanitarian Initiatives**:
    - Neutral states may contribute to international efforts to provide humanitarian aid or mediate conflicts, provided they maintain neutrality in execution.
3. **Adherence to International Law**:
    - Neutral states must comply with international treaties and conventions, such as those governing trade, arms control, and human rights.

Prohibited Relationships

Neutrality prohibits certain types of relationships or actions that compromise impartiality:

1. **Military Alliances**:
    - Joining a military pact or alliance with any belligerent state is incompatible with neutrality.
2. **Intelligence Sharing**:
    - Providing intelligence or surveillance support to one belligerent is a violation of neutrality.
3. **Economic Sanctions Favoring a Belligerent**:
    - Imposing or supporting economic measures that disproportionately harm one belligerent undermines neutrality.

Modern Considerations

1. **Cyber and Digital Neutrality**:
    - Neutral states must ensure that their digital infrastructure, such as servers or networks, is not used to support cyber operations by belligerents.

2. **Globalized Trade**:
    - Complex global supply chains require neutral states to carefully regulate goods to avoid indirectly aiding a belligerent.
3. **Non-State Actors**:
    - Neutrality principles are increasingly challenged by non-state actors, such as multinational corporations, terrorist groups, or private military contractors.

Conclusion

The objective scope of neutrality encompasses a wide range of relationships with belligerents, other neutral states, non-belligerent third parties, and international organizations. Neutral states must maintain impartiality, prevent their resources and territory from being used for military purposes, and ensure their actions do not favor one belligerent over another. As global dynamics evolve, neutral states face growing challenges in upholding these principles, particularly in areas such as digital infrastructure and complex trade networks.

4-32 Impartiality (How)

4-321 What Is Impartiality?

Impartiality in neutrality under international law refers to the obligation of a neutral state to treat all parties in a conflict equally and without favoring or supporting any side. It is a core principle that ensures the neutral state refrains from actions that could compromise its neutral status and the legal protections that come with it.
Here's a breakdown of what impartiality entails in the context of neutrality:

1. Definition

Impartiality means:

- **Equal Treatment**: Neutral states must provide the same rights and restrictions to all belligerent parties, without discrimination.
- **Non-Interference**: A neutral state must not interfere in a conflict in a way that could be perceived as aiding one side over the other.
- **No Direct or Indirect Support**: This includes refraining from military, financial, logistical, or political support to any of the belligerents.

2. Legal Basis

The principle of impartiality in neutrality is codified in key international laws and conventions:

- **Hague Conventions of 1907**:

    - Articles 5–9 outline the duties of neutral states to ensure impartiality, such as forbidding the movement of troops or arms through their territory.
    - Neutral states are prohibited from allowing belligerents to use their territory for military operations.
- **Customary International Law**:
    - Impartiality is recognized as a customary norm, meaning it applies universally, even if a state has not ratified specific treaties.

3. Key Obligations of Impartiality

Neutrality requires impartiality in several domains:

A. Military and Strategic Impartiality

- **Prohibition of Military Access**:
    - Neutral states must deny all belligerents the use of their territory, ports, or airspace for military purposes.
    - Example: A neutral state cannot allow one belligerent to station troops or ships while denying the same to others.
- **Internment of Combatants**:
    - If armed forces from a belligerent enter neutral territory, they must be interned until the conflict ends to prevent further participation in hostilities.

B. Economic Impartiality

- **Non-Support of War Efforts**:
    - Neutral states cannot supply arms, ammunition, or other materials directly supporting the war efforts of any belligerent.
    - Example: Selling weapons to one belligerent while denying them to others would violate impartiality.
- **Equal Trade Opportunities**:
    - Trade in non-military goods is allowed, but it must be equally accessible to all belligerents.

C. Diplomatic Impartiality

- **Equal Access**:
    - A neutral state must maintain equal diplomatic relationships with all belligerents without favoring one side politically or ideologically.
- **Neutral Mediation**:
    - If the neutral state acts as a mediator, it must do so without bias, gaining the trust of all parties.

D. Humanitarian Impartiality

- **Equal Humanitarian Aid**:
    - Neutral states can provide humanitarian assistance but must do so impartially, ensuring aid is not weaponized or seen as benefiting one side.

4. Importance of Impartiality

Impartiality is critical because:

- **Preserves Neutral Status**: A neutral state that acts impartially is more likely to have its neutral status respected by belligerents.
- **Prevents Retaliation**: If a neutral state shows bias, belligerents may retaliate or violate its sovereignty.
- **Enables Mediation and Peacebuilding**: Impartiality positions neutral states as trusted mediators or hosts for peace talks.

5. Challenges to Impartiality

Despite its importance, impartiality is difficult to maintain due to:

- **Economic Dependencies**: Trade relationships with belligerents can create perceptions of bias.
- **Political Pressure**: Powerful states or alliances may coerce neutrals into actions that compromise impartiality.
- **Modern Warfare**: Cyberwarfare, propaganda, and hybrid conflicts make enforcing impartiality more complex.

6. Violations and Consequences

If a neutral state violates impartiality:

- **Loss of Neutral Status**: Belligerents may no longer recognize the state as neutral and may target it militarily or economically.
- **International Accountability**: Violations could lead to legal disputes or sanctions under international law.
- **Reputational Damage**: The state may lose credibility as a neutral actor in future conflicts.

7. Modern Interpretations

Impartiality in neutrality is evolving to address new challenges:

- **Cyber Neutrality**: Neutral states must ensure their digital infrastructure is not used by belligerents for attacks.

- **Sanctions and Economic Measures**: Applying sanctions or aligning with trade embargoes may raise questions about impartiality, as seen with Switzerland adopting EU sanctions against Russia in 2022.

Conclusion

Impartiality in neutrality is a fundamental requirement under international law, ensuring that neutral states remain unbiased and uninvolved in conflicts. It safeguards their sovereignty, credibility, and ability to contribute to peacebuilding. However, impartiality must be vigilantly maintained, especially in an increasingly interconnected and complex global landscape.

4-322 Should All Neutral Activities Be Applied Impartially

Introduction

The principle of neutrality is a fundamental concept in international law, particularly in the law of armed conflict. Neutral states are those that do not take part in hostilities and, in return, enjoy certain rights and protections. However, neutrality is not merely a status but also an obligation that must be upheld impartially. The question of whether all neutral activities should be applied impartially invites an exploration of key legal instruments, customary international law, and historical practice.

This discussion will analyze the legal foundation of neutrality, the requirement of impartiality, its practical application, and exceptions or limitations that may arise.

1. Legal Foundations of Neutrality

The principle of neutrality is primarily governed by:

- The Hague Conventions of 1907, specifically Hague Convention V (Neutral Powers in Land War) and Hague Convention XIII (Neutral Powers in Naval War).
- Customary international law, as reflected in state practice.
- The United Nations Charter (1945), which has shifted some aspects of neutrality by limiting the right of states to remain neutral in certain collective security actions.

Under these legal frameworks, neutral states have both rights and duties. They must not allow their territory to be used for military operations by belligerents, and they must treat all belligerents equally. This leads to the central question: Must neutrality always be impartial?

2. The Principle of Impartiality in Neutral Activities

Impartiality is a core requirement of neutrality under international law. The Hague Conventions (1907) state that neutral states must not favor one belligerent over another through direct or indirect assistance. This principle applies across different domains:

1. **Military Assistance and Transit**
    - A neutral state cannot allow one belligerent to move troops or supplies through its territory while prohibiting the other.
    - Any deviation from this standard constitutes a breach of neutrality.
    - Example: During World War II, Sweden's allowance of German troop transit (1940–1943) was widely criticized as violating impartiality.
2. **Trade and Economic Relations**
    - Neutral states can trade with belligerents, but they must apply the same policies to all.
    - Differential trade restrictions or embargoes favoring one party undermine neutrality.
    - Example: The U.S. Lend-Lease Act (1941), which provided aid to the Allies, was seen as a departure from strict neutrality.
3. **Asylum and Internment of Soldiers**
    - If a belligerent's soldiers enter neutral territory, the neutral state must intern them to prevent their return to combat.
    - This rule must be applied to all belligerents equally.
    - Example: Switzerland during World War II interned both Allied and Axis troops to maintain neutrality.
4. **Use of Neutral Ports and Waters**
    - Neutral states must allow or deny access to their ports in the same manner for all belligerents.
    - Example: Portugal allowed British ships but not German ships to refuel, leading to questions about its neutrality.

3. Challenges to Absolute Impartiality

While neutrality demands impartiality, practical realities sometimes challenge this principle:

1. **Security Council Resolutions and Collective Security**
    - The United Nations Charter (Article 2(4) & Chapter VII) limits a state's right to remain neutral if the UN Security Council calls for collective action.
    - Example: The Gulf War (1990–1991) – Neutrality became difficult when the UN authorized force against Iraq.

2. **Economic and Political Pressures**
    - Powerful states often pressure neutrals to favor one side.
    - Example: Swiss banks faced allegations of favoring Nazi Germany during WWII despite Switzerland's official neutrality.
3. **Humanitarian Considerations**
    - Should a neutral state be obliged to assist victims of aggression?
    - The International Committee of the Red Cross (ICRC), though neutral, prioritizes humanitarian obligations.

4. Conclusion

In principle, all neutral activities should be applied impartially, as required by international law. However, in practice, absolute impartiality is difficult due to political, economic, and humanitarian considerations. While neutrality remains a key legal doctrine, it is increasingly tested in a world where international law prioritizes human rights and collective security over strict non-involvement.

Thus, while impartiality is a legal requirement, contextual exceptions and evolving international norms may sometimes justify deviations—raising critical debates about the future of neutrality in modern warfare.

4-323 Mechanisms for Reinforcing Impartiality

Here are mechanisms and examples to reinforce impartiality in neutrality in different contexts:

1. Legal and Institutional Mechanisms

Neutral states can strengthen impartiality through robust legal frameworks and institutions:

A. Domestic Legislation

- **Codifying Neutrality**: States can enshrine neutrality in their constitutions or national laws to ensure consistent application.
    - Example: Austria's Neutrality Law (1955) explicitly declares Austria's neutral status and provides a legal basis for impartiality.
- **Neutrality Oversight Bodies**: Establish agencies to monitor compliance with neutrality laws and ensure equal treatment of belligerents.

B. International Agreements

- **Bilateral/Multilateral Treaties**: Neutrality agreements between states or with international organizations can reinforce impartiality.

- Example: The Treaty of Paris (1815) recognized Switzerland's perpetual neutrality, obligating it to act impartially.

2. Economic Mechanisms

Neutrality in economic activities is vital to impartiality, especially during conflicts:

A. Trade Regulations

- **Non-Discriminatory Trade**: Neutral states must ensure trade with belligerents is limited to civilian goods and provided equally.
  - Example: During World War II, Switzerland implemented strict export controls to minimize accusations of favoring one side.

B. Monitoring Contraband

- **Customs Enforcement**: Neutral states can establish monitoring systems to prevent the export of contraband (e.g., weapons, ammunition) to any belligerent.
  - Example: The Netherlands in World War I created a Netherlands Overseas Trust to oversee trade and maintain impartiality.

C. Diversification of Dependencies

- Reducing economic reliance on a single belligerent minimizes the risk of partiality due to economic pressure.

3. Diplomatic Strategies

Neutral states must use diplomacy to demonstrate impartiality:

A. Equal Treatment of Belligerents

- Maintain open and equitable diplomatic relations with all parties.
  - Example: Sweden during the Cold War maintained dialogue with both NATO and Warsaw Pact countries to reinforce its neutral stance.

B. Hosting Peace Negotiations

- Use neutrality to mediate and facilitate conflict resolution.
  - Example: Switzerland has hosted numerous peace negotiations, such as the 1954 Geneva Conference on Indochina.

C. Clear Public Declarations

- Issue consistent statements reaffirming neutrality and impartiality.
  - Example: Ireland consistently declared its neutrality during World War II, reinforcing its impartial position in international forums.

4. Military and Strategic Neutrality

A. Enforcement of Borders

- Strictly enforce territorial neutrality by preventing the transit of belligerent troops or equipment.
    - Example: Switzerland during World War II defended its airspace and interned military personnel from both Axis and Allied forces who entered its territory.

B. Balanced Defense Posture

- Maintain defensive capabilities without aligning with any military alliance.
    - Example: Finland avoided alliances during the Cold War but ensured it could defend its neutrality through a robust military strategy.

5. Humanitarian and Refugee Management

Neutral states can reinforce impartiality by ensuring humanitarian actions benefit all sides equally:

A. Equal Treatment of Refugees

- Provide asylum to civilians from all sides without discrimination.
    - Example: Sweden accepted refugees from both Axis-occupied territories and Allied nations during World War II.

B. Neutral Humanitarian Aid

- Channel aid through impartial organizations like the International Committee of the Red Cross (ICRC).
    - Example: During conflicts, the ICRC operates on the principles of neutrality and impartiality to provide aid without favoritism.

6. Cybersecurity and Information Neutrality

In the digital era, impartiality must extend to cyberspace and information domains:

A. Digital Infrastructure Monitoring

- Ensure that the state's cyber infrastructure is not used for offensive operations or propaganda by belligerents.
    - Example: Estonia, as a leader in cybersecurity, has protocols to ensure its networks remain impartial and secure during conflicts.

B. Information Regulation

- Impartially regulate media and digital platforms to prevent them from becoming tools of belligerent propaganda.
    - Example: Switzerland emphasizes media neutrality during conflicts, ensuring no side can dominate public opinion through Swiss channels.

7. International Oversight and Cooperation

A. Collaboration with International Organizations

- Work with bodies like the United Nations or OSCE to monitor and enforce impartiality.
    - Example: Neutral countries often cooperate with the UN in peacekeeping missions, provided these missions do not compromise their impartiality.

B. Arbitration and Legal Recourse

- Resolve disputes over impartiality violations through international courts, such as the International Court of Justice (ICJ).
    - Example: Neutral states have used arbitration to address accusations of bias in trade or territorial disputes.

8. Transparency and Public Accountability

Transparency builds trust in a neutral state's impartiality:

- **Public Reporting**: Publish regular reports on neutrality-related activities, such as trade, humanitarian aid, and border enforcement.
- **Independent Audits**: Allow international or independent bodies to review actions taken under neutrality laws.

Examples of Mechanisms in Action

1. **The Netherlands During World War I**:
    - Used the Netherlands Overseas Trust to control imports and exports, ensuring impartiality and avoiding accusations of aiding any side.
2. **Switzerland's Financial Neutrality**:
    - After World War II, Switzerland revised its banking and trade policies to improve impartiality and address criticisms of its wartime actions.
3. **Ireland's Neutrality and the EU**:
    - Despite EU membership, Ireland has maintained military neutrality through public referendums and legal safeguards, demonstrating impartiality in its foreign policy.

Conclusion

Neutrality's effectiveness depends on the ability to demonstrate and maintain impartiality across military, economic, diplomatic, and humanitarian domains. Mechanisms like legal frameworks, transparent governance, international cooperation, and strategic diplomacy ensure that neutral states can navigate the pressures of modern conflicts while preserving impartiality.

4-33 Cyber Warfare

4-331 Application of Neutrality

Neutrality faces new challenges in the digital age, particularly with the rise of cyber warfare and hybrid conflicts. These modern dynamics require adaptations of traditional neutrality principles:

1. Cybersecurity Infrastructure

Neutral states must ensure their digital infrastructure is not exploited for military purposes:

- **Hosting Cyberattacks**:
  - Neutral countries must prevent their servers or networks from being used to launch attacks on belligerents.
  - Example: Switzerland could block access to servers used by belligerents to carry out cyber operations.

2. Regulation of Technology Companies

Neutrality extends to private tech companies operating within the state:

- **Cloud and Data Services**:
  - Companies providing cloud storage or digital infrastructure must ensure these resources are not used for military purposes.
  - Example: Monitoring cloud services for activities related to cyberattacks.
- **Export of Dual-Use Technologies**:
  - Neutral states regulate technologies that can serve both civilian and military purposes, such as advanced software or AI tools.

3. Combatting Digital Propaganda

Neutral states must prevent the use of their platforms for belligerent propaganda:

- **Media Monitoring**:
  - Regulating digital platforms and social media to prevent the spread of disinformation favoring one side.
- **Transparency Requirements**:
  - Enforcing transparency for digital advertising or content linked to belligerents.

4. Legal Frameworks for Cyber Neutrality

Neutral states are developing laws to address cyber-related neutrality issues:

- **International Collaboration**:
  - Switzerland participates in global forums on cyber norms to advocate for neutrality in cyberspace.
- **Domestic Cyber Laws**:
  - Legislation ensures cybersecurity while avoiding involvement in conflicts.

5. Attribution Challenges

Cyberattacks often involve non-state actors or anonymous entities, complicating neutrality:

- **Active Monitoring**:
  - Neutral states must invest in technology to detect and attribute cyberattacks accurately.
- **Avoiding Misuse**:
  - Ensuring domestic infrastructure isn't inadvertently used by non-state actors to violate neutrality.

4-332 Approach by Different States

Comparison of Switzerland, Austria, Sweden, Ireland, and Finland—focusing on their approaches to neutrality in traditional and modern contexts, including cyber neutrality:

1. Switzerland

Key Features of Neutrality

- **Permanent Neutrality**:
  - Codified in the Treaty of Paris (1815) and reaffirmed in the Federal Constitution.
- **Legal Frameworks**:
  - Strict laws regulating arms exports, trade, and financial transactions to ensure neutrality.

Approach to Cyber Neutrality

- **Geneva Internet Platform**:
  - Switzerland serves as a hub for discussions on global digital governance.
- **Neutral Hosting Services**:
  - Houses secure data centers (e.g., Crypto Valley in Zug) with strict regulations to prevent misuse in cyber conflicts.

- **Export Controls**:
    - Advanced monitoring of dual-use technologies, such as AI and encryption tools, to prevent military applications by belligerents.

Modern Challenges

- Balancing neutrality with participation in sanctions regimes, such as joining EU sanctions against Russia in 2022.
- Managing criticism of Swiss banks for their historical role in wartime financial transactions.

2. Austria

Key Features of Neutrality

- **Permanent Neutrality**:
    - Declared in 1955 as part of the Austrian State Treaty.
- **EU Membership**:
    - Austria's neutrality is influenced by its membership in the European Union, which includes obligations under its common foreign and security policies.

Approach to Cyber Neutrality

- **Focus on Defensive Cybersecurity**:
    - Austria has invested in securing its digital infrastructure to prevent cyberattacks on its neutrality.
- **EU Collaboration**:
    - Aligns with EU norms on cybersecurity but avoids actions that would compromise its neutral stance.

Modern Challenges

- Balancing its role in EU cybersecurity initiatives with its neutrality, especially as EU policies become more assertive in global conflicts.

3. Sweden

Key Features of Neutrality

- **Traditional Neutrality**:
    - Historically neutral but increasingly aligned with NATO and the EU in recent decades.
- **Non-Aligned Policy**:
    - Focused on military non-alignment rather than strict neutrality.

Approach to Cyber Neutrality

- **Cybersecurity Strategy**:
  - Sweden has developed advanced cybersecurity capabilities, focusing on resilience and defense.
- **Tech Industry Role**:
  - Home to major technology companies like Ericsson, with policies ensuring compliance with international norms.

Modern Challenges

- Sweden's recent decision to join NATO (formalized in 2023–2024) has shifted its neutral stance, raising questions about its long-term commitment to impartiality.
- Balancing its neutrality legacy with NATO obligations.

4. Ireland

Key Features of Neutrality

- **Military Neutrality**:
  - Focuses on non-participation in military alliances, though it cooperates with EU security initiatives.
- **Cultural Neutrality**:
  - Emphasizes its independent foreign policy rooted in humanitarianism and peacekeeping.

Approach to Cyber Neutrality

- **Limited Infrastructure**:
  - Ireland's cybersecurity efforts focus on protecting critical infrastructure and responding to cyberattacks.
- **Neutral Hosting Role**:
  - Major tech companies (e.g., Google, Facebook) operate data centers in Ireland, requiring policies to ensure impartiality.

Modern Challenges

- Dependence on multinational corporations for its economy complicates neutrality in the digital age, as these companies may be involved in global conflicts indirectly.
- Balancing neutrality with EU security policies and international sanctions.

5. Finland

Key Features of Neutrality

- **Post-War Neutrality**:
  - Maintained neutrality during the Cold War through the **Finno-Soviet Treaty of 1948**.

- **Shifting Stance**:
    - Joined NATO in 2023, moving away from traditional neutrality but retaining elements of independent policy.

Approach to Cyber Neutrality

- **Strong Cyber Defense**:
    - Finland prioritizes cybersecurity, focusing on protecting national infrastructure and countering hybrid threats.
- **Proactive Measures**:
    - Hosts cybersecurity training and collaborates with international partners, reflecting its shift toward greater alignment with NATO.

Modern Challenges

- Adapting to its NATO membership while maintaining credibility as an impartial mediator in certain contexts.
- Addressing threats from neighboring Russia, particularly in cyberspace.

Comparison Across Key Domains

Domain	Switzerland	Austria	Sweden	Ireland	Finland
Neutrality Basis	Permanent neutrality since 1815	Permanent neutrality since 1955	Traditional neutrality; now NATO-aligned	Military neutrality; non-aligned	Post-war neutrality; NATO membership in 2023
Cybersecurity Focus	Neutral hosting, data security	Defensive, EU-aligned	Resilience, advanced tech capabilities	Critical infrastructure protection	Strong cyber defense, hybrid threat focus
Tech Export Controls	Strict on dual-use goods	Moderate, EU-compliant	Advanced, but NATO-aligned	Limited control; focus on hosting	Growing alignment with NATO standards
Modern Challenges	Balancing neutrality and sanctions	Balancing neutrality with EU membership	NATO membership and tech neutrality	Dependence on multinationals	NATO obligations and Russian proximity

Key Takeaways

1. **Switzerland** leads in regulatory oversight for private actors and neutrality in digital domains, emphasizing transparency and impartiality.
2. **Austria** carefully balances EU obligations with its neutral status but faces challenges due to its close integration with EU policies.
3. **Sweden** has moved away from neutrality, aligning with NATO, which complicates its impartiality, especially in the cyber domain.
4. **Ireland** focuses on limited military neutrality but faces unique challenges as a hub for multinational tech companies.
5. **Finland** has transitioned from neutrality to NATO alignment, emphasizing proactive cybersecurity measures while managing relations with Russia.

4-4 Subjective (Who)

4-41 Subjective Scope

The subjective scope of neutrality in international law identifies the individuals, entities, and institutions obligated to behave neutrally when a state declares its neutrality. This scope encompasses not only the government but also extends to various actors within and associated with the neutral state. Below is an in-depth breakdown of who must act neutrally:

1. The Neutral State and Its Government

The state as a whole is the primary subject of neutrality:

- **Executive Branch**: The government, including its head of state, ministries, and administrative agencies, must adhere to neutrality in policymaking, diplomacy, and enforcement.
    - Example: A neutral government cannot enter military alliances, provide troops, or sign agreements favoring any belligerent.
- **Legislature**: The parliament must ensure that laws and budgets reflect neutrality, such as avoiding military aid or approving trade policies that favor one side.
- **Judiciary**: Courts must uphold neutrality by ensuring laws and decisions align with the state's obligations under international law.

2. Armed Forces and Security Agencies

The military and law enforcement agencies are bound to neutrality:

- **Military Forces**: Must refrain from taking sides, providing support to belligerents, or engaging in hostilities unless defending the neutral state's sovereignty.

    - Example: Swiss armed forces strictly defend their borders to prevent violations of neutrality during conflicts.
- **Police and Security Agencies**: Must prevent domestic actions that could compromise neutrality, such as suppressing activities supporting one belligerent while tolerating another.

3. Diplomatic and Consular Staff

Neutrality applies to diplomats and consular officials representing the state:

- **Equal Treatment**: They must maintain impartial relations with all belligerents, avoiding expressions of favoritism.
- **No Involvement in Hostilities**: Embassies cannot serve as bases for propaganda or intelligence for any belligerent.
    - Example: Neutral diplomats can mediate peace but must remain unbiased in their efforts.

4. Civilian Entities

Certain civilian actors within the neutral state are also required to observe neutrality under domestic and international law:

A. Private Individuals

- Individuals are generally free to express opinions, but they cannot:
    - Join or assist the armed forces of belligerents.
    - Conduct activities that threaten the neutral state's obligations (e.g., smuggling arms).
    - Example: During **World War I**, neutral states like the Netherlands prohibited citizens from enlisting in foreign armies.

B. Corporations and Businesses

- Companies registered in the neutral state are subject to neutrality regulations, including:
    - Restrictions on arms trade, contraband, or providing financial support to belligerents.
    - Equal access for all belligerents to lawful civilian goods or services.
    - Example: Swiss banks have faced scrutiny for potentially aiding war efforts by handling funds for belligerents during conflicts.

C. Non-Governmental Organizations (NGOs)

- NGOs must ensure their activities do not favor one belligerent, especially in humanitarian work.

- Example: The International Committee of the Red Cross (ICRC), based in Switzerland, adheres to strict principles of neutrality and impartiality.

5. Neutral State's Infrastructure and Institutions

All state-controlled or public institutions must uphold neutrality:

- **Ports, Airports, and Borders**: Neutrality obligations apply to the management of transport hubs to prevent their use for military purposes.
  - Example: A neutral port must treat all belligerents equally, allowing access only for humanitarian or civilian purposes.
- **Communication and Cyber Infrastructure**: Neutral states must prevent their infrastructure from being used for military or propaganda purposes by belligerents.

6. Media and Press

While freedom of expression is protected, neutrality may impose some limitations:

- **State-Owned Media**: Must maintain impartiality in coverage and avoid promoting propaganda for any belligerent.
- **Independent Media**: Generally free to operate but cannot directly collaborate with one belligerent to influence the conflict.

7. International Responsibilities

Neutrality may extend to nationals and entities operating abroad:

- **Private Citizens Abroad**: Nationals of a neutral state are discouraged from joining foreign conflicts, as their actions can draw their state into disputes.
- **Corporations Abroad**: Businesses based in a neutral state must comply with neutrality rules, even when operating in third countries.
  - Example: A Swiss company operating in a belligerent country cannot sell arms to one side while claiming neutrality.

8. Consequences for Non-Compliance

Failure to adhere to neutrality can result in:

- **Domestic Penalties**: Neutral states may impose fines, imprisonment, or other sanctions on individuals or entities violating neutrality.
  - Example: During wartime, neutral states often criminalize the smuggling of arms or joining foreign armies.
- **International Repercussions**: If neutrality is compromised, the state risks losing its neutral status and facing retaliation or becoming a target in the conflict.

9. Exceptions and Flexibility

Certain actors or circumstances may allow limited deviation from neutrality:

- **Defensive Measures**: The military may defend the state if its neutrality is violated (e.g., invasion or airspace breaches).
- **Humanitarian Actions**: Neutrality permits impartial humanitarian aid to all sides, provided it does not favor one belligerent.

Conclusion

The subjective scope of neutrality is comprehensive, encompassing state institutions, individuals, businesses, and infrastructure. Adhering to neutrality requires coordinated efforts across these actors to maintain impartiality, avoid entanglement in conflicts, and uphold international law. However, maintaining neutrality can be challenging in modern contexts, such as cyber warfare and globalized trade, which require careful oversight and regulation.

4-42 Neutrality of Private Persons and Private Organizations

The obligation for private persons and private organizations to behave neutrally and impartially within the depends on the legal framework of the neutral state and international law. Generally, private individuals and organizations are not directly bound by the same strict neutrality obligations as the state, but their actions can indirectly affect the state's neutral status. Here's a breakdown of their responsibilities:

1. Private Persons

Private individuals are generally free to act according to their personal views, but there are limits to their actions under the laws of a neutral state:

A. Prohibited Activities

Private persons are typically prohibited from engaging in actions that could compromise the neutral status of their state:

- **Joining Belligerent Forces**: Enlisting in the military of a belligerent state is often restricted to prevent accusations of partiality.
    - Example: During World War I, Switzerland and other neutral states forbade their citizens from joining foreign armies.
- **Smuggling Contraband**: Individuals cannot transport weapons, military supplies, or other prohibited goods to belligerents.
- **Supporting Propaganda**: Participating in or promoting propaganda for one belligerent may be restricted under neutrality laws.

B. Permitted Activities

- **Expression of Opinions**: Individuals retain the right to express opinions, provided their actions do not implicate the state.
- **Humanitarian Aid**: Individuals can contribute to impartial humanitarian efforts, such as donating to organizations like the Red Cross.

2. Private Organizations

Private organizations, including businesses, NGOs, and media outlets, are also expected to align with neutrality principles in some respects. The degree of obligation varies by type:

A. Businesses

Businesses in neutral states are subject to specific regulations to ensure their activities do not favor one belligerent:

- **Trade Restrictions**:
    - Selling weapons, ammunition, or other war materials to belligerents is generally prohibited.
    - Example: During World War II, Swiss companies were prohibited from selling arms to either side.
- **Equal Treatment**:
    - Businesses must treat all belligerents equally in commercial dealings with civilian goods.
- **Financial Transactions**:
    - Banks must avoid facilitating financial support for war efforts or laundering money for belligerents.
    - Example: Swiss banks faced post-war criticism for providing financial services to Nazi Germany, leading to stricter financial neutrality laws.

B. Non-Governmental Organizations (NGOs)

NGOs, particularly those providing humanitarian aid, are expected to adhere to neutrality and impartiality principles:

- **Impartial Humanitarian Aid**:
    - Organizations like the International Committee of the Red Cross (ICRC) must provide assistance to all parties in a conflict without discrimination.
- **Prohibition of Advocacy**:
    - NGOs must avoid overtly supporting one belligerent over another in their operations or advocacy.

C. Media and Press

Media outlets are generally free to operate but may face restrictions to ensure neutrality:

- **State-Owned Media**:

    - Must avoid promoting propaganda for any belligerent and maintain impartial reporting.
- **Independent Media**:
    - While private media is less restricted, states may prohibit their use as tools for propaganda or direct support of belligerents.

3. Enforcement Mechanisms

Neutral states enforce neutrality for private persons and organizations through:

- **Domestic Laws**:
    - Laws often criminalize activities like smuggling arms, joining foreign armies, or financing belligerents.
    - Example: During wartime, many neutral states impose strict export controls and financial regulations.
- **Customs and Border Enforcement**:
    - Inspections at borders and ports ensure compliance with trade and transit restrictions.
- **Monitoring Financial Institutions**:
    - Governments monitor banks and financial transactions to prevent violations.

4. International Implications

While individuals and private organizations may act independently, their actions can implicate the neutral state:

- **Risk to Neutrality**:
    - If private actions are perceived as state-endorsed, belligerents may challenge the state's neutrality.
    - Example: Arms smuggling by private companies could lead to accusations of partiality and retaliation by belligerents.
- **State Responsibility**:
    - Under international law, states may bear responsibility for failing to prevent private violations of neutrality.

5. Modern Challenges

In contemporary contexts, maintaining neutrality for private persons and organizations is increasingly complex:

- **Cyber Activities**:
    - Private companies providing cloud services or digital infrastructure may unwittingly support belligerent cyber operations.

- **Globalized Trade**:
    - Multinational corporations may face conflicting obligations in different jurisdictions during conflicts.
- **Sanctions**:
    - Private entities in neutral states may be affected by international sanctions regimes, raising questions about impartiality.

6. Conclusion

While private persons and organizations are not directly bound by the strict neutrality obligations imposed on states, their actions are subject to limitations under domestic and international law to ensure the state's neutrality is not compromised. Neutral states are responsible for regulating and monitoring these activities to maintain their impartial stance.

4-43 How Switzerland Regulates Private Actors

Switzerland, as a traditionally neutral state, has developed robust mechanisms to regulate private actors and ensure their activities align with neutrality principles. These regulations are applied across various domains:

1. Arms Trade and Military Goods

Switzerland has strict controls on the export of arms and military-related goods:

- **Federal Act on War Material**:
    - Prohibits the export of weapons and other war materials to countries involved in armed conflicts.
    - Requires exporters to obtain licenses, ensuring sales align with Switzerland’s neutrality.
- **Export Controls**:
    - The government monitors exports to prevent Swiss companies from supplying military goods to belligerents.

2. Financial Sector Regulation

Switzerland’s financial institutions are closely regulated to avoid complicity in conflicts:

- **Banking Secrecy and Neutrality**:
    - While Swiss banking is known for secrecy, the country has introduced laws to prevent banks from facilitating transactions that support war efforts.
    - Example: After World War II, Switzerland faced criticism for handling Nazi assets, prompting reforms.

- **Anti-Money Laundering Laws**:
    - Prevent funds from being channeled to belligerents or entities supporting conflicts.

3. Trade and Economic Activities

Switzerland ensures economic activities adhere to neutrality:

- **Customs and Export Controls**:
    - Customs authorities inspect goods crossing borders to prevent contraband trade.
- **Equal Access for Belligerents**:
    - Swiss businesses are expected to maintain impartial trade relationships, avoiding favoritism in civilian goods trade.

4. Non-Governmental Organizations (NGOs)

Switzerland hosts many NGOs, including the International Committee of the Red Cross (ICRC), which operates under principles of neutrality:

- **Supervision**:
    - NGOs must adhere to Swiss neutrality in their operations, avoiding actions that could be seen as supporting one side.

5. Media and Propaganda

Switzerland regulates the use of its territory for war-related propaganda:

- **Restrictions on Propaganda**:
    - State-owned media cannot promote belligerent interests, and the government monitors activities to prevent propaganda dissemination.

6. Criminalizing Violations

Swiss law criminalizes activities by private individuals and entities that compromise neutrality:

- **Foreign Enlistment**:
    - Joining foreign armies or participating in conflicts abroad can result in legal consequences.
- **Arms Smuggling**:
    - Harsh penalties are imposed for transporting weapons to belligerents.

Conclusion

Switzerland rigorously regulates private actors through strict legal frameworks, export controls, financial monitoring, and penalties for violations. In the context of modern challenges like cyber warfare, neutrality principles are being extended to digital infrastructure, technology exports, and cybersecurity measures. The evolving nature of conflicts requires neutral states to adapt their laws and enforcement mechanisms to maintain impartiality in an increasingly interconnected world.

Part 2

Analysis of Neutrality

Chapter 5

Nature of Neutrality

5-1 Differences Between Political and Legal Neutrality

Difference Between Political Neutrality and International Legal Neutrality

Aspect	Political Neutrality	International Legal Neutrality
Definition	A state's policy of non-alignment in conflicts or geopolitical matters.	A legally recognized status of a state that refrains from participating in an armed conflict and follows specific legal obligations.
Legal Basis	No strict legal framework; depends on national policy and diplomatic strategy.	Governed by international law, particularly the Hague Conventions of 1907 and customary international law.
Application	Can apply in both peacetime and wartime; more flexible.	Applies specifically in wartime, with legally binding rules.
Obligations	No formal obligations; based on political will.	Must refrain from aiding belligerents, allowing military use of its territory, and must ensure impartiality.
Flexibility	Can shift based on changing national interests or global politics.	More rigid, as violating neutrality rules can lead to loss of neutral status.
Examples	Sweden's policy of non-alignment in the 20th century; Finland's neutrality during the Cold War.	Switzerland's internationally recognized permanent neutrality under the 1815 Congress of Vienna and the Hague Conventions.
Violation Consequences	Diplomatic repercussions, but no formal punishment.	Can lead to loss of neutral status, making the state a legitimate target in a conflict.

Key Differences

- Political neutrality is a policy choice and does not always follow strict legal rules.
- International legal neutrality is a codified status with obligations and consequences if violated.
- A country can be politically neutral but not legally neutral if it provides indirect support to a warring party.

Examples of Countries Navigating Political and Legal Neutrality

1. Switzerland – Both Politically and Legally Neutral

- **Political Neutrality**: Switzerland has maintained a policy of neutrality since 1815, choosing not to join military alliances such as NATO.
- **Legal Neutrality**: Switzerland's neutrality is recognized under international law, meaning it cannot participate in armed conflicts and must not allow its territory to be used for military operations.
- **Example in Action**: During World War II, Switzerland remained legally neutral by preventing both Axis and Allied forces from using its territory for military purposes.

2. Sweden – Politically Neutral but Not Always Legally Neutral

- **Political Neutrality**: Historically, Sweden followed a policy of neutrality, avoiding military alliances during the Cold War.
- **Legal Neutrality**: Despite its political neutrality, Sweden provided military aid to Finland against the Soviet Union during World War II, technically violating legal neutrality.
- **Current Shift**: Sweden abandoned political neutrality by applying for NATO membership in 2022 after Russia's invasion of Ukraine.

3. Ireland – Politically Neutral but Questionable Legal Neutrality

- **Political Neutrality**: Ireland remained officially neutral during World War II, refusing to join the war.
- **Legal Neutrality**: While Ireland did not formally enter the conflict, it allowed the British military access to airspace and intelligence, which blurred its legal neutrality.
- **Example in Action**: Though neutral, Ireland quietly aided the Allies, such as by sharing German U-boat locations, raising questions about its strict legal neutrality.

4. Finland – Political Neutrality with Strategic Adaptation

- **Political Neutrality**: During the Cold War, Finland followed a neutrality policy to maintain good relations with both NATO and the Soviet Union.
- **Legal Neutrality**: Finland was not formally bound to legal neutrality but refrained from joining military alliances to avoid provoking the USSR.
- **Current Shift**: In 2023, Finland joined NATO, ending decades of political neutrality.

5. United States – Not Neutral but Recognizing Legal Neutrality

- **Political Position**: The U.S. is not a neutral state, but it has historically respected legal neutrality.
- **Legal Recognition**: The U.S. acknowledged Swiss neutrality during both World Wars and used Swiss diplomatic channels to communicate with enemy states.

Key Takeaways

- Switzerland is an example of strict both political and legal neutrality.
- Sweden, Ireland, and Finland have been politically neutral but not always legally neutral.
- Many neutral countries bend the rules depending on geopolitical realities.

5-2 Differences in Legal Neutrality

Essential Differences in the Concept of Neutrality in International Law

The concept of neutrality in international law has evolved over time and takes on different forms depending on the context. The essential differences in the concept of neutrality can be categorized based on types of neutrality, legal obligations, and application in international relations.

1. Types of Neutrality in International Law

Neutrality is classified into different categories depending on the legal framework and international recognition:

Type of Neutrality	Definition	Examples
Permanent Neutrality	A state commits to remaining neutral in all future conflicts, recognized by international law.	Switzerland (since 1815), Austria (since 1955)
Armed Neutrality	A state remains neutral but maintains a strong military to defend its neutrality.	Sweden (historically), Switzerland
Qualified or Conditional Neutrality	A state remains neutral unless specific conditions arise, at which point it may engage in conflict.	Belgium before WWI (guaranteed neutrality but later invaded)
Neutralized State	A state is bound by international agreements to stay neutral permanently.	Austria (1955 State Treaty)
Non-Belligerency	A state does not engage in war directly but may provide indirect support to belligerents.	U.S. before entering WWII, Ireland during WWII

Type of Neutrality	Definition	Examples
Neutrality in Specific Conflicts	A state declares neutrality in a specific war but does not commit to permanent neutrality.	Spain in WWII

2. Legal Obligations of Neutrality

Under international law, neutral states have certain rights and responsibilities, primarily based on The Hague Conventions of 1907 and customary international law.

Aspect	Legal Neutrality	Political Neutrality
Legal Basis	Hague Conventions (1907), Geneva Conventions, UN Charter	No formal legal basis, depends on national policy
Rights	Territorial integrity must be respected; cannot be forced into war	Freedom to trade, conduct diplomacy
Obligations	Cannot allow military use of territory, supply arms, or participate in conflicts	No legal obligations, but expected diplomatic consistency
Violation Consequences	Loss of neutral status, possible military retaliation	Diplomatic criticism, economic sanctions

For example, Switzerland, under international law, cannot allow foreign military forces to use its airspace or railways for war efforts. In contrast, Sweden's political neutrality allowed it to trade with both Axis and Allied powers during WWII, but without strict legal obligations.

3. Neutrality vs. Collective Security (UN System)

- **Traditional neutrality** under pre-UN international law focused on avoiding war.
- **Modern neutrality** must align with UN obligations, especially under Chapter VII of the UN Charter, which allows the use of force for collective security (e.g., UN peacekeeping).
- **Example**: Switzerland only joined the UN in 2002 due to concerns over its neutral status conflicting with collective security obligations.

4. Shift in the Concept of Neutrality

- **Cold War Era**: Many states, such as Finland, Sweden, and Austria, practiced neutrality to avoid taking sides in the U.S.-Soviet rivalry.

- **Post-Cold War**: Neutrality became less relevant as many formerly neutral states (e.g., Sweden, Finland) moved towards NATO membership.
- **Modern Context**: Some countries still practice neutrality but adjust their policies, such as Switzerland's limited support for sanctions against Russia in 2022.

Conclusion

The concept of neutrality in international law differs based on:

1. Type (permanent, armed, conditional, etc.).
2. Legal obligations (territorial restrictions, non-intervention).
3. Its role in international security (traditional vs. modern UN system).
4. Geopolitical shifts (Cold War neutrality vs. contemporary alliances).

Chapter 6

Legal Basis of Neutrality

6-1 Content of Neutrality

6-11 Neutrality

6-111 Weak Legal Basis of Neutrality

The legal basis of neutrality in international law, while established through treaties like the Hague Conventions of 1907 and customary international law, has several weaknesses that make its application challenging in modern contexts. These weaknesses arise from ambiguities, outdated provisions, and the evolving nature of warfare and international relations.

Weaknesses of the Legal Basis of Neutrality in International Law

1. Outdated Legal Framework

- **Issue**: The Hague Conventions, which form the foundation of neutrality law, were designed for state-centric, traditional wars between nation-states.
- **Weakness**:
  - The conventions do not address modern forms of warfare, such as cyberwarfare, hybrid conflicts, or terrorism involving non-state actors.
  - There is no comprehensive update to reflect the realities of globalized economies and technological advancements.
- **Example**: The legal provisions on neutrality struggle to address whether cyberattacks originating from a neutral state violate its obligations.

2. Ambiguity in Key Definitions

- **Issue**: Neutrality law relies on imprecise definitions of terms like "war," "conflict," "belligerents," and "violations."
- **Weakness**:
  - There is no clear legal guidance on when neutrality begins or ends in undeclared wars or prolonged conflicts.
  - Determining what constitutes a violation of neutrality, such as the supply of dual-use goods or infrastructure used for cyberattacks, is subjective.
- **Example**: In the absence of a formal declaration of war, states may struggle to assert or enforce their neutral status.

3. Inconsistent Application

- **Issue**: States selectively apply neutrality principles depending on political, economic, or security interests.

- **Weakness**:
    - Neutrality can be perceived as inconsistent or hypocritical when states align with sanctions, military coalitions, or economic embargoes that indirectly support one side of a conflict.
    - Some states claim neutrality but host military bases or allow transit of military goods, undermining the principle.
- **Example**: Switzerland faced criticism for adopting EU sanctions against Russia, challenging its historical commitment to neutrality.

4. Lack of Enforcement Mechanisms

- **Issue**: There are limited mechanisms to enforce neutrality or penalize violations by neutral states or belligerents.
- **Weakness**:
    - Neutrality relies heavily on state self-regulation, with no international body to oversee compliance or mediate disputes.
    - Violations of neutral territory or sovereignty often go unpunished unless a state has significant political or military leverage.
- **Example**: During World War II, German violations of Belgian neutrality met limited enforcement until full-scale conflict erupted.

5. Challenges from Multilateralism and Alliances

- **Issue**: The rise of multilateral institutions and alliances complicates the impartiality required for neutrality.
- **Weakness**:
    - Neutrality is difficult to maintain for states involved in collective security systems like the United Nations, where military interventions may be sanctioned.
    - Membership in economic alliances or trade blocs can create implicit biases that undermine neutrality.
- **Example**: Neutral states that are EU members (e.g., Austria and Ireland) face challenges maintaining neutrality in the context of EU foreign and security policies.

6. Economic Interdependence and Sanctions

- **Issue**: Global economic interdependence makes true neutrality challenging.
- **Weakness**:
    - Participation in international trade and sanctions regimes may indirectly support one side in a conflict, blurring the lines of neutrality.

    - Neutrality law does not adequately address economic measures like sanctions, which are increasingly used as tools of war.
- **Example**: Sanctions against Russia during the Ukraine conflict raised questions about the neutrality of countries enforcing them.

7. Ethical and Humanitarian Criticisms

- **Issue**: Neutrality is criticized for fostering inaction in the face of human rights abuses or violations of international humanitarian law.
- **Weakness**:
    - The legal framework of neutrality does not provide clear guidance on balancing impartiality with humanitarian intervention.
    - Neutral states may face ethical dilemmas when their inaction allows atrocities to continue unchecked.
- **Example**: Neutrality was criticized during the Rwandan Genocide and the Syrian Civil War for enabling inaction by states that could have intervened.

8. Insufficient Adaptation to Non-State Actors

- **Issue**: Non-state actors, such as insurgents, terrorist organizations, or multinational corporations, play a larger role in modern conflicts.
- **Weakness**:
    - Neutrality law focuses on state-to-state interactions and does not account for non-state actors operating from or targeting neutral states.
    - Neutral states lack legal clarity on their obligations when dealing with groups like ISIS or Al-Qaeda.
- **Example**: Neutrality law provides no clear framework for how states should respond to terrorist networks using their territory for operations.

9. Lack of Normative Development in Cyber Neutrality

- **Issue**: Cyberwarfare is not adequately addressed in current neutrality laws.
- **Weakness**:
    - There is no consensus on whether hosting cyber infrastructure used in attacks constitutes a violation of neutrality.
    - The anonymity and transnational nature of cyber operations make enforcement nearly impossible.
- **Example**: The NotPetya ransomware attack affected global systems but left neutral states unable to assert or enforce their neutrality effectively.

Conclusion

The legal basis of neutrality in international law is weakened by its outdated framework, ambiguities, and inability to address modern warfare and global interdependence. To remain relevant, neutrality law must evolve to address issues like cyberwarfare, economic sanctions, and the role of non-state actors while balancing ethical considerations and the need for humanitarian intervention. A reexamination and modernization of neutrality principles are essential for their continued applicability in today's complex international landscape.

6-111.1 Outdated Legal Framework

The legal framework for neutrality in international law, primarily based on the Hague Conventions of 1907 and customary international law, has notable weaknesses in its application to modern contexts. These weaknesses arise because the framework was designed for a world of traditional, state-centric conflicts and has not evolved to accommodate modern geopolitical realities, technological advances, and economic interdependence.

1. Outdated Assumptions About Warfare

Why It's Outdated:

- The framework was developed with a focus on interstate wars involving clearly defined belligerents and neutral states.
- Modern conflicts often involve non-state actors, such as insurgent groups, terrorist organizations, and private military companies, which do not fit the traditional definitions of belligerents.
- The rules do not address hybrid warfare strategies that combine conventional warfare, cyber operations, propaganda, and economic coercion.

Where It Fails:

- **Asymmetric Warfare**: The involvement of groups like ISIS or Al-Qaeda challenges the applicability of neutrality law, as these actors operate across borders and do not represent states.
- **Cyberwarfare**: Attacks like the 2007 cyber assault on Estonia highlight the inadequacy of neutrality laws to address state or non-state actors using cyber tools.

2. Lack of Clarity in Economic Neutrality

Why It's Outdated:

- The original framework assumes economic independence and does not account for the complexities of global trade and interdependence.
- Economic sanctions, a common tool in modern conflicts, are not explicitly addressed, leaving neutral states in a legal gray area when enforcing or opposing sanctions.

Where It Fails:

- **Trade Conflicts**: Neutral states may struggle to maintain neutrality when their economic systems are intertwined with belligerent states.
- **Sanctions**: Switzerland, historically neutral, faced criticism for adopting EU sanctions against Russia during the Ukraine conflict, challenging its claim to impartiality.

3. Inadequate Provisions for Cyber Neutrality

Why It's Outdated:

- The Hague Conventions and customary law predate the digital age and make no reference to the internet, cyber operations, or digital infrastructure.
- Neutral states may host critical infrastructure (e.g., servers or data centers) that is exploited for cyberattacks, raising questions about their obligations under neutrality law.

Where It Fails:

- **Cyberattacks**: The lack of legal clarity on whether hosting or facilitating cyberattacks constitutes a breach of neutrality leaves states vulnerable to accusations of complicity.
- **Global Internet Infrastructure**: Neutral states like Sweden or Switzerland, which host major data centers, face challenges in managing cyber operations targeting belligerents.

4. Over-reliance on State-Centric Models

Why It's Outdated:

- The framework assumes conflicts are between states, ignoring the role of multinational corporations, international organizations, and other non-state actors.
- Modern conflicts often involve coalitions or international interventions, complicating the concept of neutrality.

Where It Fails:

- **Non-State Actors**: Groups like Wagner (a private military company) operate transnationally, and neutrality laws do not address such entities.

- **International Coalitions**: Neutrality is difficult to maintain when international organizations like NATO or the UN authorize interventions.

5. Challenges in Territorial Neutrality

Why It's Outdated:

- The framework emphasizes the inviolability of neutral territory but does not address modern challenges like airspace violations, drone use, or missile overflights.
- Neutrality laws are silent on whether neutral states can restrict the use of their airspace for surveillance or strikes by belligerents.

Where It Fails:

- **Airspace Violations**: Modern warfare relies heavily on air and space-based operations, often infringing on neutral territories.
- **Drones and UAVs**: The use of unmanned aerial vehicles (UAVs) challenges the enforcement of territorial neutrality, as they can easily traverse neutral airspace.

6. Insufficient Mechanisms for Enforcement

Why It's Outdated:

- The framework lacks effective mechanisms to enforce neutrality or penalize violations, relying primarily on state self-regulation.
- Belligerents frequently disregard neutrality without facing significant repercussions.

Where It Fails:

- **International Violations**: During World War II, the German invasion of neutral Belgium and the Netherlands was not effectively deterred by international law.
- **Modern Conflicts**: The lack of enforcement mechanisms allows powerful states to violate neutrality with little accountability.

7. Ethical Dilemmas and Humanitarian Law

Why It's Outdated:

- The framework focuses on non-involvement, but this can conflict with modern humanitarian norms and obligations to prevent atrocities.
- Neutrality is sometimes criticized for enabling inaction in the face of genocide, war crimes, or other grave violations of international law.

Where It Fails:

- **Humanitarian Crises**: Neutral states faced criticism for their limited response during the Rwandan Genocide and the Syrian Civil War.
- **Ethical Neutrality**: Balancing humanitarian aid and neutrality remains a contentious issue, especially when aid indirectly benefits belligerents.

8. Global Polarization and Multilateralism

Why It's Outdated:

- Neutrality laws were designed for a less interconnected and less polarized international system.
- The rise of global power blocs (e.g., the U.S., China, EU) puts pressure on neutral states to align economically, politically, or militarily.

Where It Fails:

- **Cold War and Beyond**: During the Cold War, neutrality laws were strained as states like Finland and Austria faced pressure from both NATO and the Warsaw Pact.
- **Current Geopolitics**: In the Russia-Ukraine conflict, states like Finland and Sweden abandoned neutrality to join NATO, reflecting the inadequacy of neutrality as a protective stance in polarized environments.

Conclusion

The legal framework for neutrality in international law is outdated because it fails to address the complexities of modern warfare, cyber operations, economic interdependence, and the role of non-state actors. Its reliance on state-centric models and traditional definitions of conflict does not align with the realities of today's interconnected and technology-driven world. To remain relevant, neutrality law requires significant updates, including clear provisions for cyber neutrality, economic measures, and humanitarian obligations. Additionally, robust enforcement mechanisms and a reevaluation of ethical dilemmas are essential to modernize its application.

6-111.2 Ambiguity in Key Definitions

The legal basis of neutrality in international law suffers from ambiguities in key definitions, which create confusion and inconsistencies in its application. These ambiguities stem from the reliance on outdated treaties (e.g., the Hague Conventions of 1907) and customary international law that fail to account for the complexities of modern conflicts and geopolitical dynamics.

Ambiguities in Key Definitions and Where They Arise

1. Definition of War and Armed Conflict

- **Ambiguity**:
    - The Hague Conventions define neutrality in the context of war, but the concept of "war" has evolved. Modern conflicts often lack formal declarations of war, blurring the line between wartime and peacetime.

    - The term "armed conflict" is more inclusive in modern international law (e.g., Geneva Conventions) but is not clearly addressed in neutrality frameworks.
- **Where It Fails**:
    - **Undeclared Wars**: Conflicts like the U.S. interventions in Vietnam or the "War on Terror" involve military actions without formal declarations, making it unclear when neutrality rules apply.
    - **Prolonged Occupations**: Long-term military occupations, such as in Palestine or Crimea, complicate the applicability of neutrality principles.

2. Definition of Belligerents

- **Ambiguity**:
    - Neutrality law assumes clear distinctions between belligerents and neutral states, but this distinction is increasingly blurred in modern conflicts involving non-state actors (e.g., insurgents, terrorists, and private military companies).
    - The term "belligerent" does not account for proxy forces or coalitions where actors indirectly participate in conflicts.
- **Where It Fails**:
    - **Non-State Actors**: Groups like ISIS, Al-Qaeda, or Wagner Group do not fit traditional definitions of belligerents, leaving their interactions with neutral states legally ambiguous.
    - **Proxy Wars**: In conflicts like Syria or Yemen, external powers fund and arm local groups, raising questions about the legal status of these actors.

3. Definition of Neutrality Violations

- **Ambiguity**:
    - The legal framework does not clearly define what constitutes a violation of neutrality, particularly in non-traditional contexts like cyberwarfare or economic measures.
    - Questions remain about whether indirect support, such as allowing overflight of military drones or exporting dual-use goods, violates neutrality.
- **Where It Fails**:
    - **Cyber Operations**: The use of servers or infrastructure in neutral states for cyberattacks raises questions about complicity.
    - **Dual-Use Goods**: During World War II, neutral states like Sweden faced dilemmas over exporting resources like iron ore to Nazi Germany, highlighting the lack of clarity.

4. Definition of Territory

- **Ambiguity**:
  - Neutrality law protects the territory of neutral states but does not clearly define whether this includes airspace, cyberspace, or maritime zones.
  - Modern warfare often involves cross-border operations that do not respect traditional territorial boundaries.
- **Where It Fails**:
  - **Airspace Violations**: Overflights by military aircraft or drones challenge the legal understanding of territorial neutrality.
  - **Cyberspace**: The absence of clear legal norms for cyberspace raises questions about whether hosting data centers or communication networks constitutes a breach of neutrality.

5. Definition of Economic Neutrality

- **Ambiguity**:
  - The legal framework does not explicitly address the role of economic sanctions, trade restrictions, or participation in international financial systems during conflicts.
  - Neutral states face dilemmas when engaging in global trade with belligerents or participating in sanctions regimes.
- **Where It Fails**:
  - **Sanctions**: Neutral countries like Switzerland have been criticized for adopting EU sanctions against Russia, raising questions about whether such measures breach neutrality.
  - **Economic Dependencies**: In the Russia-Ukraine conflict, Europe's dependence on Russian gas complicated neutrality claims for states like Austria.

6. Definition of Humanitarian Assistance

- **Ambiguity**:
  - Neutrality law does not clearly outline the scope and limits of providing humanitarian aid to belligerents.
  - Questions arise about whether aid can be considered indirect support to one side in a conflict.

- **Where It Fails**:
    - **Aid in War Zones**: Delivering humanitarian assistance to war zones like Syria or Yemen can unintentionally benefit one side, creating legal and ethical dilemmas.
    - **Dual-Use Aid**: Supplies like medical equipment or food can be repurposed for military use, challenging neutrality.

7. Definition of Start and End of Neutrality Obligations

- **Ambiguity**:
    - Neutrality law does not clearly define when neutrality obligations begin (e.g., at the declaration of war or the onset of hostilities) or end (e.g., at the conclusion of peace treaties or the cessation of fighting).
- **Where It Fails**:
    - **Conflicts Without Formal Declarations**: In conflicts like the Korean War or Iraq War, neutrality obligations were unclear due to the lack of formal declarations.
    - **Post-Conflict Occupations**: Situations like the U.S. occupation of Iraq raise questions about whether neutrality obligations continue during reconstruction.

8. Definition of Cyber Neutrality

- **Ambiguity**:
    - The legal framework does not address whether hosting cyber infrastructure or being the source of a cyberattack constitutes a breach of neutrality.
- **Where It Fails**:
    - **Cyberattacks**: In the 2007 cyberattack on Estonia, it was unclear whether third-party states hosting infrastructure used in the attack had violated neutrality.
    - **Global Digital Infrastructure**: States like Sweden or Switzerland, which host major data hubs, face challenges in ensuring neutrality in cyberspace.

9. Definition of Prohibited Activities

- **Ambiguity**:
    - The Hague Conventions prohibit specific activities like allowing military passage, but they do not address modern equivalents such as digital surveillance, arms exports, or military advising.

- **Where It Fails**:
    - **Arms Trade**: Neutral states supplying arms to belligerents (e.g., Sweden's arms exports during conflicts) face criticism for undermining neutrality.
    - **Intelligence Sharing**: Providing intelligence or logistical support to one side in a conflict, even indirectly, raises legal and ethical concerns.

Conclusion

Ambiguities in key definitions within the legal framework of neutrality create significant challenges in applying neutrality law to modern conflicts. These ambiguities primarily arise from the outdated assumptions of treaties like the Hague Conventions, which do not account for modern warfare dynamics, economic interdependence, or technological advances. To address these issues, international law must redefine and modernize its understanding of war, belligerents, territory, economic neutrality, and prohibited activities to ensure clarity and consistency in neutrality obligations.

6-111.3 Inconsistent Application

The legal basis of neutrality in international law is often applied inconsistently, undermining its credibility and effectiveness. These inconsistencies arise from differing interpretations of neutrality, selective adherence by states, and the changing dynamics of international relations. Below is a detailed analysis of the weaknesses related to inconsistent applications.

1. Selective Enforcement by Neutral States

- **Description**: States claiming neutrality often engage in actions that undermine their impartiality, such as selective trade, political alignments, or covert support for one side in a conflict.
- **Examples**:
    - **Sweden During World War II**: Officially neutral, Sweden allowed German troops to transit through its territory and exported significant resources (e.g., iron ore) to Nazi Germany, which bolstered Germany's war effort.
    - **Switzerland and EU Sanctions Against Russia**: Switzerland, traditionally neutral, adopted EU sanctions against Russia following the Ukraine invasion in 2022, which some argued compromised its neutrality.
- **Impact**:
    - Such actions erode the perception of neutrality and invite accusations of hypocrisy or double standards.

2. Ambiguity in Balancing Neutrality with Economic Interests

- **Description**: Neutral states often prioritize economic or political interests over strict adherence to neutrality.
- **Examples**:
    - **Ireland During World War II**: Ireland declared neutrality but faced criticism for covertly assisting the Allies, including sharing intelligence and repatriating downed Allied pilots while detaining Axis personnel.
    - **Austria and Russian Energy Dependency**: Austria's reliance on Russian gas during the Ukraine conflict raised questions about its neutrality in enforcing sanctions or taking a clear stance against aggression.
- **Impact**:
    - Economic ties to belligerents complicate neutrality and create perceptions of partiality.

3. Double Standards in International Responses

- **Description**: The international community often enforces neutrality rules inconsistently, influenced by the geopolitical interests of powerful states or alliances.
- **Examples**:
    - **Invasion of Neutral Belgium (1914 and 1940)**: Germany's repeated violations of Belgian neutrality were condemned, but international responses varied in effectiveness, with limited early enforcement in both cases.
    - **U.S. Actions in Neutral Airspace**: The U.S. has been accused of violating the airspace of neutral countries (e.g., during the Iraq and Afghanistan conflicts) with little accountability.
- **Impact**:
    - Unequal enforcement of neutrality rules weakens the legal principle and undermines the confidence of smaller states in the international system.

4. Multilateral Alliances Undermining Neutrality

- **Description**: Neutral states participating in multilateral alliances or international organizations often face conflicts between their neutrality obligations and collective security commitments.
- **Examples**:
    - **Ireland and the European Union**: While officially neutral, Ireland’s membership in the EU complicates its stance, as EU foreign policy increasingly aligns with NATO's positions.

    - **Austria and EU Neutrality**: Austria's constitution enshrines neutrality, yet its alignment with EU policies, including sanctions, creates legal and political contradictions.
- **Impact**:
    - Participation in alliances dilutes the independence required for true neutrality and creates inconsistencies in its application.

5. Inconsistent Responses to Violations of Neutrality

- **Description**: The response to violations of neutrality by belligerents often depends on the geopolitical context, with some violations being ignored or under-penalized.
- **Examples**:
    - **German U-Boat Attacks on Neutral Ships**: During both World Wars, German submarines attacked neutral ships suspected of aiding the Allies. These actions were condemned but rarely led to decisive international action.
    - **Iran-Iraq War (1980-1988)**: Neutral states like Kuwait faced repeated violations of their territorial waters by both sides, with limited international consequences for the violators.
- **Impact**:
    - Lack of consistent enforcement against violations undermines the legitimacy of neutrality as a legal principle.

6. Variations in Interpretations of Neutrality

- **Description**: Different states interpret neutrality in ways that suit their domestic or geopolitical interests, leading to inconsistent applications of the principle.
- **Examples**:
    - **Swiss Permanent Neutrality**: Switzerland’s strict interpretation prohibits military alliances and participation in foreign conflicts, providing a stark contrast to more flexible policies like those of Sweden or Finland before joining NATO.
    - **Sweden’s Historical Neutrality**: Sweden maintained a policy of "armed neutrality," which allowed for significant military spending and defense preparedness while avoiding alliances.
- **Impact**:
    - Divergent interpretations lead to confusion and weaken the cohesion of neutrality as a universal legal concept.

7. Inconsistent Treatment of Humanitarian Interventions

- **Description**: Neutrality is often set aside for humanitarian reasons, but the criteria for intervention are applied inconsistently.
- **Examples**:
  - **Rwanda Genocide (1994)**: International inaction, justified by some as respecting neutrality, was widely criticized as enabling mass atrocities.
  - **Libya (2011)**: The UN-approved intervention in Libya led to accusations of bias against states like Russia and China, which viewed the operation as exceeding its mandate.
- **Impact**:
  - The inconsistent application of neutrality in humanitarian crises weakens its credibility and creates ethical dilemmas.

8. Conflicts of Interest in Economic Sanctions

- **Description**: Neutral states often struggle to maintain impartiality when enforcing or rejecting economic sanctions.
- **Examples**:
  - **Swiss Banking and World War II**: Switzerland was criticized for its financial dealings with Nazi Germany, including hosting assets looted from occupied territories.
  - **Russia-Ukraine Conflict (2022)**: Neutral countries like Switzerland and Austria faced criticism for either participating in or rejecting EU sanctions, depending on their decisions.
- **Impact**:
  - Economic entanglements create perceptions of partiality and undermine the principle of neutrality.

9. Failure to Address Modern Forms of Conflict

- **Description**: Neutrality laws are inconsistently applied to non-traditional conflicts, such as cyberwarfare or hybrid conflicts.
- **Examples**:
  - **Cyberattacks and Neutral States**: Estonia (a NATO member but previously neutral in cyber contexts) faced cyberattacks from Russia in 2007, with no clear framework for applying neutrality rules.
  - **Hybrid Warfare**: States like Finland faced challenges in addressing hybrid threats from Russia, which tested the limits of their neutral stances.

- **Impact**:
    - The inconsistent treatment of modern conflicts highlights the limitations of neutrality law in addressing new forms of aggression.

Conclusion

The inconsistent application of neutrality in international law stems from varying interpretations, selective adherence, and geopolitical pressures. These inconsistencies weaken the credibility of neutrality as a legal principle and make it difficult for neutral states to maintain impartiality in a rapidly changing global landscape. To address these issues, international law must adopt clearer definitions, enforce standards more uniformly, and adapt neutrality principles to modern challenges such as cyberwarfare, hybrid conflicts, and economic globalization.

6-111.4 Lack of Enforcement Mechanisms

The legal framework for neutrality in international law is weakened by a significant lack of enforcement mechanisms, which undermines its ability to deter violations and uphold neutrality as a viable legal and political principle. This deficiency leaves neutral states vulnerable to breaches by belligerents and creates gaps in accountability. Below is a detailed analysis of where and why enforcement mechanisms are lacking, and the impact of this weakness.

1. Absence of Centralized Enforcement Authority

- **Why This Is a Weakness**:
    - Neutrality relies on self-regulation by states and adherence to customary international law, with no centralized international authority to monitor or enforce compliance.
    - International organizations, such as the United Nations, have limited jurisdiction to enforce neutrality laws unless specific mandates are granted (e.g., through Security Council resolutions).
- **Where It Fails**:
    - **World War II**: Germany's violation of Belgium and Luxembourg's neutrality went largely unaddressed until it escalated into broader conflict.
    - **Iran-Iraq War**: Repeated violations of neutral maritime zones in the Persian Gulf lacked consistent international enforcement or consequences for violators.

- **Impact**:
    - Neutral states are left without recourse when their neutrality is violated, weakening the credibility of the legal framework.

2. Limited Deterrence for Violators

- **Why This Is a Weakness**:
    - International law lacks effective punitive measures for states or actors that violate neutrality, resulting in a lack of deterrence.
    - Sanctions or military responses are often politically motivated, inconsistent, or insufficient to dissuade violators.
- **Where It Fails**:
    - **German U-Boat Campaigns**: During both World Wars, German submarines targeted neutral shipping, with limited deterrent measures taken by the international community.
    - **Russia-Ukraine Conflict**: Russia's military operations have sometimes extended to neutral states' economic interests (e.g., cyberattacks), with minimal enforcement or accountability.
- **Impact**:
    - Belligerent states are incentivized to disregard neutrality if there are no meaningful consequences.

3. Weakness of Customary International Law

- **Why This Is a Weakness**:
    - Neutrality is heavily reliant on customary international law, which is flexible and adaptive but lacks the binding authority and specificity of treaty-based frameworks.
    - Without clear legal instruments or mechanisms for enforcement, neutrality is more of a moral obligation than a robust legal standard.
- **Where It Fails**:
    - **Cyberspace**: Customary international law offers no clear guidance on neutrality in cyber conflicts, leaving neutral states vulnerable to infrastructure misuse.
    - **Hybrid Conflicts**: In situations like the Syrian Civil War, external actors violated neutral airspace and maritime zones without meaningful consequences.

- **Impact**:
    - The lack of clarity and enforceability in customary law undermines the ability of neutral states to assert their rights.

4. Dependence on State Self-Regulation

- **Why This Is a Weakness**:
    - Neutrality law depends on the willingness of belligerents and neutral states to adhere to legal obligations voluntarily.
    - Powerful states can exploit this reliance, disregarding neutrality when it conflicts with their strategic interests.
- **Where It Fails**:
    - **U.S. Drone Strikes**: Neutral states, such as Pakistan and Yemen, have experienced violations of their sovereignty due to U.S. drone strikes, with little recourse for enforcement.
    - **WWII Transit Agreements**: Sweden allowed German troops to transit its territory, prioritizing survival over strict adherence to neutrality.
- **Impact**:
    - Voluntary adherence creates disparities, with weaker states bearing the brunt of violations and stronger states acting with impunity.

5. Ineffectiveness of Neutrality in Modern Conflict

- **Why This Is a Weakness**:
    - Modern conflicts often involve asymmetrical warfare, cyber operations, and hybrid threats, where neutrality laws provide limited or no enforcement tools.
    - The lack of clear mechanisms for addressing violations in these contexts leaves neutral states vulnerable.
- **Where It Fails**:
    - **Estonia Cyberattacks (2007)**: Russian-origin cyberattacks on Estonia highlighted the inability of international law to address violations of digital neutrality.
    - **Hybrid Threats in Finland**: Prior to its NATO membership, Finland faced hybrid threats that tested the limits of neutrality without meaningful international support.
- **Impact**:
    - The inability to enforce neutrality in modern contexts reduces its relevance and effectiveness.

6. Limited Role of International Institutions

- **Why This Is a Weakness**:
  - Institutions like the International Court of Justice (ICJ) and United Nations play only limited roles in upholding neutrality, as their jurisdiction is often constrained by state consent or political considerations.
  - Enforcement depends on Security Council resolutions, which are subject to vetoes by permanent members, limiting impartial enforcement.
- **Where It Fails**:
  - **Russia-Ukraine Conflict (2022)**: The UN's inability to take decisive action against Russia, a permanent Security Council member, underscores the limitations of multilateral enforcement.
  - **Belgium (WWI)**: The lack of international action to deter or punish Germany's invasion of neutral Belgium revealed the limitations of institutional responses.
- **Impact**:
  - Neutral states cannot rely on international institutions for consistent protection or enforcement.

7. Inconsistent Responses to Violations

- **Why This Is a Weakness**:
  - Responses to neutrality violations are often inconsistent, shaped by political, economic, or strategic interests rather than adherence to international law.
- **Where It Fails**:
  - **Belgium and Luxembourg (WWII)**: The international community responded decisively to Germany's invasion of Belgium but largely ignored similar violations elsewhere.
  - **Neutral Maritime Zones in the Persian Gulf**: During the Iran-Iraq War, violations of neutral waters received limited enforcement attention, leading to repeated infractions.
- **Impact**:
  - Inconsistent responses undermine the credibility of neutrality as a legal principle and encourage further violations.

8. Lack of Provisions for Non-State Actors

- **Why This Is a Weakness**:
  - Neutrality law was designed for state-to-state conflicts and does not adequately address violations by non-state actors, such as terrorist groups, insurgents, or private military companies.

- **Where It Fails**:
    - **Non-State Actors in Syria**: Neutral states have been unable to effectively enforce neutrality when non-state actors operate within their borders or use their resources.
    - **Wagner Group Activities**: Private military companies operating transnationally blur the lines of responsibility and enforcement for neutrality violations.
- **Impact**:
    - Neutral states face challenges in asserting and enforcing neutrality in conflicts involving non-state actors.

9. Limited Enforcement in Economic Neutrality

- **Why This Is a Weakness**:
    - Neutrality law does not provide effective mechanisms to enforce compliance in economic contexts, such as trade embargoes or sanctions.
- **Where It Fails**:
    - **Swiss Banks During WWII**: Switzerland's financial dealings with Nazi Germany, including holding looted assets, highlighted the absence of mechanisms to ensure economic neutrality.
    - **Russia Sanctions (2022)**: Neutral countries like Austria and Switzerland faced criticism for selectively adopting sanctions, revealing gaps in enforcement frameworks.
- **Impact**:
    - Economic violations of neutrality remain underregulated and difficult to enforce.

Conclusion

The lack of robust enforcement mechanisms is a fundamental weakness in the legal basis of neutrality in international law. Without centralized oversight, effective deterrents, or clear guidelines for modern conflicts, neutrality often depends on voluntary adherence and political will. This creates vulnerabilities for neutral states and undermines the credibility of neutrality as a principle of international law. To address these issues, the international community must consider strengthening enforcement mechanisms, updating legal frameworks, and creating institutions capable of ensuring compliance with neutrality obligations.

6-111.5 Challenges from Multilateralism and Alliances

The legal basis of neutrality in international law faces significant challenges from multilateralism and alliances, as these frameworks often conflict with the traditional principles of neutrality. Multilateral institutions and alliances, such as the United Nations (UN), European Union (EU), and North Atlantic Treaty Organization (NATO), impose obligations on member states that can undermine or complicate their neutral status.

1. Conflict Between Neutrality and Collective Security

Why This Is a Challenge:

- Neutral states may face pressure to participate in collective security measures, such as sanctions, peacekeeping missions, or military interventions authorized by multilateral organizations.
- The principle of collective security enshrined in the UN Charter prioritizes joint action against aggressors, which can conflict with a state's neutral stance.

Where It Occurs:

- **United Nations**:
    - Article 42 of the UN Charter allows the Security Council to authorize military action. Neutral states that are UN members are often caught between supporting these actions and maintaining their neutrality.
    - Example: In the Gulf War (1991), the UN authorized military action against Iraq, and some neutral states (e.g., Austria) faced dilemmas about participating in the coalition or providing indirect support.

Impact:

- Neutral states are pressured to abandon their neutral stance or risk isolation within the international system.

2. Membership in Political and Economic Alliances

Why This Is a Challenge:

- Economic and political alliances, such as the EU, often require unified foreign policy actions, including sanctions, which can conflict with the impartiality required by neutrality.
- Membership in these alliances creates obligations that may indirectly involve neutral states in conflicts.

Where It Occurs:

- **European Union**:
    - EU member states are expected to align with its Common Foreign and Security Policy (CFSP), which includes joint sanctions and foreign policy initiatives.
    - Example: Ireland and Austria, both neutral states, have faced challenges reconciling their neutrality with EU sanctions against Russia during the Ukraine conflict.
- **Economic Alliances**:
    - Economic ties through trade blocs like the EU or the World Trade Organization (WTO) can indirectly draw neutral states into disputes.

Impact:

- Neutrality becomes increasingly difficult to maintain in a globalized and interconnected world.

3. NATO and Security Pressures

Why This Is a Challenge:

- States with historical neutrality face growing pressure to join military alliances like NATO for security guarantees, especially in response to regional threats.
- Joining such alliances directly conflicts with the principle of neutrality, which requires states to abstain from military alliances.

Where It Occurs:

- **Sweden and Finland**:
    - Historically neutral, these states applied for NATO membership following Russia's invasion of Ukraine, citing security concerns.
    - This marked a significant departure from their longstanding policies of neutrality.
- **Austria**:
    - Austria’s constitution mandates neutrality, but its geographic proximity to NATO-aligned states and EU membership creates tension in adhering to this policy.

Impact:

- The growing militarization of alliances undermines the traditional concept of neutrality and forces states to prioritize security over impartiality.

4. Multilateral Sanctions and Neutral States

Why This Is a Challenge:

- Multilateral sanctions imposed by organizations like the UN or EU often require the participation of neutral states, even when these sanctions target one party in a conflict.
- This involvement can compromise the perceived impartiality of neutral states.

Where It Occurs:

- **Russia-Ukraine Conflict**:
    - Neutral states like Switzerland faced criticism for adopting EU sanctions against Russia, raising questions about their commitment to neutrality.
    - Conversely, other neutral states faced criticism for not joining sanctions regimes, creating political isolation.

Impact:

- Neutrality is challenged as states must choose between aligning with multilateral action or maintaining their impartiality.

5. Involvement in Peacekeeping Missions

Why This Is a Challenge:

- Participation in peacekeeping missions, often mandated by the UN or regional organizations, complicates neutrality as it may involve taking sides or deploying forces to conflict zones.
- Although peacekeeping is intended to be impartial, it can be perceived as favoring one side in a conflict.

Where It Occurs:

- **Irish Peacekeepers**:
    - Ireland, a neutral state, regularly contributes troops to UN peacekeeping missions, such as in Lebanon and Mali. While these missions are neutral in principle, they can create risks of entanglement in conflicts.
- **Swiss Participation**:
    - Although Switzerland abstains from combat missions, it has supported peacebuilding efforts and negotiations, blurring the line between strict neutrality and active engagement.

Impact:

- Peacekeeping roles risk undermining neutrality by exposing states to accusations of partiality.

6. Hybrid Obligations in Regional Organizations

Why This Is a Challenge:

- Regional organizations often blend economic, political, and security obligations, making it difficult for member states to maintain strict neutrality.
- Neutral states must navigate these obligations without violating their commitment to impartiality.

Where It Occurs:

- **EU Defense Initiatives**:
  - Programs like the Permanent Structured Cooperation (PESCO**)**, designed to strengthen EU defense capabilities, pose challenges for neutral EU member states like Austria and Ireland.
- **Organization for Security and Co-operation in Europe (OSCE)**:
  - Neutral states involved in the OSCE face dilemmas when mediating disputes among member states while maintaining impartiality.

Impact:

- The hybrid nature of these obligations strains the legal and practical framework of neutrality.

7. Ethical and Humanitarian Dilemmas

Why This Is a Challenge:

- Multilateral organizations often prioritize humanitarian intervention or collective action, which can conflict with the strict non-alignment principles of neutrality.
- Neutral states face pressure to support interventions in cases of human rights abuses or violations of international law.

Where It Occurs:

- **Libya (2011)**:
  - The UN-sanctioned intervention in Libya posed challenges for neutral states, as participation or endorsement of such actions could compromise their neutrality.
- **Rwanda (1994)**:
  - Neutrality was criticized during the Rwandan Genocide for enabling inaction in the face of mass atrocities, highlighting the tension between legal neutrality and moral obligations.

Impact:

- Neutral states are placed in difficult positions where maintaining neutrality can conflict with global humanitarian norms.

Conclusion

Multilateralism and alliances pose significant challenges to the legal basis of neutrality in international law by imposing obligations that often conflict with the principles of non-alignment and impartiality. Neutral states must navigate complex dilemmas involving collective security, sanctions, peacekeeping, and regional obligations, often at the cost of their traditional neutrality. To address these challenges, neutrality laws must be modernized to account for the realities of multilateralism, while neutral states need clearer legal and institutional frameworks to balance their obligations and commitments.

6-111.6 Economic Interdependence and Sanctions

The legal basis of neutrality in international law is significantly challenged by economic interdependence and the use of sanctions as tools of modern diplomacy and conflict resolution. Neutral states often find themselves entangled in these dynamics, which compromise their impartiality and create legal and political dilemmas. Below is a detailed analysis of this issue, with specific cases highlighting its weaknesses.

1. Economic Interdependence and Neutrality

Why It's a Challenge:

- Neutral states often engage in global trade and are economically dependent on other nations, including belligerents. This dependence can make it difficult to maintain a strictly neutral stance in conflicts.
- Global supply chains, resource dependencies, and financial networks blur the lines between neutrality and implicit support for one side.

Cases:

- **Sweden During World War II**:
    - Sweden remained neutral but continued to export iron ore to Nazi Germany, which was crucial for Germany's war industry.
    - This trade, driven by economic dependence, led to accusations that Sweden's neutrality was biased in favor of Germany.
    - **Impact**: Although Sweden avoided direct involvement in the war, its economic actions undermined the perception of its neutrality.
- **Switzerland's Role in Nazi-Era Finance**:
    - Switzerland, a neutral state, faced criticism for its banking relationships with Nazi Germany, including handling looted assets and providing financial services.

- The country's economic collaboration with Germany was seen as compromising its neutrality, especially when it facilitated war-related financial transactions.
- **Impact**: Post-war investigations, such as the Bergier Report, revealed the extent of these dealings, tarnishing Switzerland's reputation for impartiality.

2. Sanctions and Neutral States

Why It's a Challenge:

- Neutral states are often pressured to participate in international sanctions regimes, especially when these are coordinated by multilateral organizations like the United Nations or the European Union.
- Participation in sanctions can be perceived as taking sides in a conflict, undermining the impartiality required for neutrality.

Cases:

- **Switzerland and EU Sanctions Against Russia (2022)**:
  - Following Russia's invasion of Ukraine, Switzerland, a traditionally neutral state, adopted sanctions in line with the European Union's measures against Russia.
  - This marked a departure from Switzerland's historical policy of avoiding sanctions not mandated by the UN.
  - **Impact**: The decision led to domestic and international debate over whether Switzerland had compromised its neutrality, with some arguing that it had effectively aligned itself with Western powers.
- **Austria and EU Energy Sanctions**:
  - Austria, constitutionally neutral, faced challenges during the EU's implementation of sanctions against Russia, particularly regarding energy supplies.
  - Austria's heavy dependence on Russian natural gas made it reluctant to support certain sanctions fully, leading to accusations of inconsistency in its neutrality.
  - **Impact**: Austria's balancing act highlighted the difficulty of maintaining neutrality while adhering to EU obligations.

3. Financial Systems and Neutrality

Why It's a Challenge:

- Neutral states often host financial institutions or infrastructure that can indirectly support belligerents. Their participation in global financial systems, such as SWIFT or international banking networks, creates challenges in maintaining neutrality.

Cases:

- **SWIFT Sanctions Against Russia**:
  - The decision to cut Russian banks off from the SWIFT system during the Ukraine conflict created dilemmas for neutral states involved in the system.
  - Switzerland, as a key player in international finance, faced scrutiny over its role in implementing financial restrictions.
  - **Impact**: Such actions are seen as aligning with sanctions, challenging the perception of impartiality.
- **Swiss Banks and Frozen Assets**:
  - Switzerland's decision to freeze Russian assets as part of EU-aligned sanctions raised questions about the consistency of its neutrality.
  - While Switzerland justified its actions as upholding international law, critics argued it compromised the principles of impartiality.
  - **Impact**: The move prompted debates about whether economic sanctions should be considered violations of neutrality.

4. Resource Dependencies and Neutrality

Why It's a Challenge:

- Resource dependencies create vulnerabilities for neutral states, forcing them to make politically charged decisions about trade with belligerents.
- This often leads to accusations of bias, even when decisions are motivated by economic necessity.

Cases:

- **Finland's Energy Imports During the Cold War**:
  - Despite its neutrality, Finland maintained significant trade relations with the Soviet Union, including importing energy resources.
  - This economic dependence created perceptions that Finland was under Soviet influence, despite its neutral status.
  - **Impact**: Finland's neutrality was often referred to as "Finlandization," reflecting the challenges of balancing neutrality with economic ties to a major power.

- **Austria's Russian Gas Dependency (2022)**:
    - Austria's reliance on Russian natural gas complicated its position during the EU's sanctions against Russia. While officially neutral, Austria's economic dependence limited its ability to distance itself from Russia.
    - **Impact**: Austria's stance highlighted the tension between economic realities and the principles of neutrality.

5. Dual-Use Goods and Neutrality

Why It's a Challenge:

- Dual-use goods—items that can be used for both civilian and military purposes—pose challenges for neutral states engaged in trade with belligerents.
- Exporting such goods can be interpreted as indirect support for one side in a conflict.

Cases:

- **Sweden's Ball Bearings During World War II**:
    - Sweden exported ball bearings to both Allied and Axis powers during the war. These components were critical for military machinery, including aircraft and tanks.
    - While Sweden sought to balance its exports to maintain neutrality, the trade was criticized as enabling both sides to sustain their war efforts.
    - **Impact**: This case illustrates how dual-use goods complicate the application of neutrality principles.

6. Multilateral Sanctions and Neutral States

Why It's a Challenge:

- Neutral states participating in multilateral organizations like the EU or UN often face pressure to align with sanctions policies, which can conflict with their neutral status.
- Opting out of sanctions can lead to political isolation, while participation risks compromising neutrality.

Cases:

- **Ireland's Neutrality and EU Sanctions**:
    - As an EU member, Ireland faced pressure to adopt sanctions against Russia, despite its policy of neutrality.
    - Ireland ultimately supported the sanctions, raising questions about whether its neutrality could coexist with EU membership obligations.
    - **Impact**: Ireland's position reflects the growing difficulty of maintaining neutrality in a highly interconnected international system.

Conclusion

Economic interdependence and sanctions create profound challenges for the legal basis of neutrality in international law. Neutral states must navigate complex trade-offs between maintaining impartiality and addressing economic realities or multilateral obligations. These challenges highlight the need to modernize neutrality principles to address global economic integration and provide clearer guidelines for neutral states dealing with sanctions and resource dependencies. Without such updates, neutrality risks becoming increasingly untenable in an interconnected world.

6-111.7 Ethical and Humanitarian Criticisms

The legal basis of neutrality in international law is often criticized for failing to address ethical and humanitarian dilemmas, especially in situations where inaction in the name of neutrality allows atrocities, human rights abuses, or violations of international law to occur unchecked. Below is a detailed analysis of these criticisms, supported by specific cases that illustrate the weaknesses of neutrality in responding to humanitarian crises.

1. Neutrality in the Face of Genocide and Ethnic Cleansing

Why It's a Weakness:

- Strict adherence to neutrality often prevents states or international organizations from intervening in situations where genocide, ethnic cleansing, or crimes against humanity are occurring.
- Critics argue that neutrality in such cases enables perpetrators by prioritizing non-involvement over moral responsibility.

Cases:

- **Rwandan Genocide (1994)**:
    - The international community, including neutral states, largely failed to intervene during the Rwandan Genocide, where nearly 800,000 Tutsi and moderate Hutu were killed.
    - Neutrality was cited by several countries as a reason for non-intervention, but this inaction was widely condemned as complicity by omission.
    - **Impact**: The Rwandan Genocide highlighted how neutrality can be misused to justify inaction in the face of mass atrocities.
- **Bosnian War (1992–1995)**:
    - During the conflict, neutral states and international organizations hesitated to take decisive action to prevent atrocities such as the Srebrenica massacre, where over 8,000 Bosniak men and boys were killed.

- UN peacekeepers, operating under a mandate of neutrality, failed to protect civilians, leading to accusations that their neutrality enabled genocide.
- **Impact**: This case demonstrated the limits of neutrality in addressing humanitarian crises, particularly when impartiality prevents intervention.

2. Inaction in the Syrian Civil War

Why It's a Weakness:

- Neutral states often avoid involvement in conflicts like the Syrian Civil War, citing neutrality as a justification for non-intervention, despite ongoing humanitarian disasters and widespread human rights violations.
- Neutrality in this context is criticized for prioritizing state sovereignty over the protection of civilians.

Cases:

- **Neutral States and the Syrian Crisis**:
  - Switzerland, a traditionally neutral state, limited its role in the Syrian conflict to humanitarian aid, avoiding political or military intervention despite the scale of atrocities, including chemical weapon attacks on civilians.
  - Many neutral states avoided taking a strong stance against the Assad regime or intervening to protect civilians.
  - **Impact**: The failure to intervene in Syria exposed the ethical limitations of neutrality when human rights are at stake.

3. Humanitarian Intervention vs. Neutrality

Why It's a Weakness:

- Neutrality often conflicts with the principle of Responsibility to Protect (R2P**)**, which holds that the international community has an obligation to intervene in cases of mass atrocities.
- Neutral states risk criticism for prioritizing legal neutrality over moral obligations to prevent suffering.

Cases:

- **Libya (2011)**:
  - The UN-authorized intervention in Libya to protect civilians from atrocities by the Gaddafi regime created dilemmas for neutral states. While the intervention was framed as humanitarian, some neutral states criticized it as a violation of sovereignty.
  - Example: Austria and Switzerland refrained from participating in military actions, citing neutrality, even as other states acted under R2P principles.

- **Impact**: The Libyan case highlighted the tension between upholding neutrality and participating in collective humanitarian interventions.

4. Refugee Crises and Neutrality

Why It's a Weakness:

- Neutrality can result in states avoiding proactive measures to address the root causes of refugee crises, even as they provide humanitarian aid.
- Critics argue that neutrality allows states to address symptoms (refugee influx) without tackling underlying issues (conflicts causing displacement).

Cases:

- **European Refugee Crisis (2015)**:
  - Neutral states like Switzerland provided asylum and humanitarian assistance to refugees fleeing conflicts in Syria, Afghanistan, and Iraq but avoided involvement in conflict resolution or peacekeeping efforts.
  - This approach was criticized as insufficient, as it did not address the causes of displacement.
  - **Impact**: Neutrality in addressing refugee crises often results in reactive rather than preventive measures, limiting long-term solutions.

5. Ethical Dilemmas in Trade and Economic Neutrality

Why It's a Weakness:

- Neutrality in trade can enable unethical practices, such as the sale of goods to belligerents engaged in human rights violations.
- Critics argue that economic neutrality can prioritize profits over ethical considerations.

Cases:

- **Swiss Trade with Nazi Germany**:
  - During World War II, Switzerland maintained trade relations with Nazi Germany, including the purchase of looted gold, while claiming neutrality.
  - This trade indirectly supported the Nazi war effort and raised ethical concerns about the role of economic neutrality in enabling atrocities.
  - **Impact**: The case demonstrates how neutrality can mask complicity in unethical practices.
- **Sweden's Dual-Use Exports**:
  - During conflicts, Sweden has faced criticism for exporting dual-use goods that could be used for military purposes, challenging the ethical implications of economic neutrality.

- **Impact**: Such actions highlight the difficulty of reconciling neutrality with ethical responsibility.

6. Neutrality and Non-State Actors

Why It's a Weakness:

- Neutrality laws primarily address state-to-state conflicts and do not provide clear guidelines for dealing with non-state actors, such as terrorist organizations or insurgent groups.
- This creates ethical dilemmas for neutral states when such actors commit atrocities.

Cases:

- **Neutrality in the Fight Against ISIS**:
  - Neutral states like Switzerland faced criticism for their limited involvement in the global fight against ISIS, despite the group's well-documented atrocities against civilians.
  - While neutral states supported humanitarian aid efforts, they avoided direct participation in military operations, raising questions about their moral responsibility.
  - **Impact**: The inability to address non-state actors challenges the relevance of neutrality in modern conflicts.

7. Ethical Criticisms in Historical Contexts

Why It's a Weakness:

- Historical cases of neutrality during major conflicts reveal how strict adherence to neutrality can result in ethical compromises or tacit complicity in atrocities.

Cases:

- **The United States and Early World War II Neutrality**:
  - Before joining the war, the U.S. maintained neutrality, even as the Axis powers committed widespread atrocities. Neutrality was criticized as a justification for delaying action against the Holocaust and other crimes.
  - **Impact**: Neutrality in this context was seen as a failure to act on moral imperatives.

Conclusion

Neutrality in international law often faces ethical and humanitarian criticisms, particularly in cases where strict non-involvement allows atrocities and human rights abuses to continue unchecked. These cases illustrate the tension between legal neutrality and moral responsibility, raising questions about whether neutrality can remain a viable principle in the

face of modern humanitarian challenges. To address these weaknesses, neutrality laws must be modernized to integrate ethical considerations, such as the Responsibility to Protect (R2P), while providing clearer guidelines for balancing neutrality with humanitarian obligations.

6-111.8 Insufficient Adaptation to Non-State Actors

The legal framework of neutrality in international law was primarily designed to regulate relations between sovereign states in traditional interstate conflicts. This framework does not adequately address the complexities introduced by non-state actors such as insurgent groups, terrorist organizations, private military companies, and multinational corporations. Below is a detailed analysis of these weaknesses, supported by specific cases that illustrate the challenges.

1. Non-State Actors and the Definition of Belligerents

Why It's a Weakness:

- Neutrality law, as outlined in treaties like the Hague Conventions (1907), presumes conflicts involve clearly defined belligerent states. Non-state actors, however, do not fit these traditional definitions.
- This creates ambiguity regarding the rights and responsibilities of neutral states when non-state actors operate in or against their territories.

Cases:

- **Al-Qaeda and the U.S. War on Terror**:
    - After the 9/11 attacks, the U.S. launched military operations against Al-Qaeda, a non-state actor operating across borders, including in neutral states like Pakistan.
    - Neutrality law provided little guidance on how states hosting Al-Qaeda operatives (intentionally or unintentionally) should respond to U.S. operations.
    - **Impact**: The lack of legal clarity left neutral states vulnerable to accusations of complicity or partiality, undermining the neutrality framework.
- **Taliban and Afghanistan (Pre-2001)**:
    - During the U.S. campaign in Afghanistan post-9/11, neutral states were unclear on how to manage interactions with the Taliban, a non-state actor controlling territory but not recognized as a government.
    - **Impact**: The inability to classify such actors under traditional neutrality law created enforcement and policy gaps.

2. Private Military Companies (PMCs)

Why It's a Weakness:

- PMCs, such as the Wagner Group or Blackwater, complicate neutrality by blurring the lines between state and non-state actors. These entities often operate transnationally, funded by governments or private clients.
- Neutral states hosting PMCs or their operations face challenges in maintaining impartiality.

Cases:

- **Wagner Group in Africa**:
    - The Wagner Group, a Russian-linked PMC, operates in multiple conflict zones, including Mali and Libya, often with implicit state support.
    - Neutral states providing financial or logistical support to these regions may indirectly benefit PMCs, raising questions about their neutrality.
    - **Impact**: PMCs exploit legal gaps, making it difficult for neutral states to avoid complicity in conflicts.
- **Blackwater in Iraq**:
    - Blackwater, a U.S.-based PMC, was involved in operations in Iraq, often in ways indistinguishable from state military actions.
    - Neutral states providing arms or resources indirectly used by PMCs faced accusations of violating neutrality principles.
    - **Impact**: The presence of PMCs challenges the application of neutrality to modern warfare.

3. Terrorism and Cross-Border Operations

Why It's a Weakness:

- Non-state terrorist organizations like ISIS and Al-Qaeda operate across borders, using neutral states as safe havens or logistical bases.
- Neutrality laws do not adequately address whether hosting, knowingly or unknowingly, such actors constitutes a breach of neutrality.

Cases:

- **ISIS and Neighboring States**:
    - During the fight against ISIS, neutral states like Jordan and Turkey faced accusations of allowing cross-border flows of fighters and supplies.
    - While some argued these states violated their neutrality, others highlighted the lack of legal clarity in dealing with non-state actors like ISIS.
    - **Impact**: Neutrality law struggled to determine whether cross-border flows violated neutrality or were unavoidable consequences of geography.

- **Pakistan and the War on Terror**:
    - As a self-declared neutral party, Pakistan faced criticism for harboring Taliban leaders and allowing insurgent activity along its borders with Afghanistan.
    - U.S. drone strikes on Pakistani territory to target these groups raised questions about whether Pakistan's neutrality was genuine or compromised.
    - **Impact**: The ambiguous legal framework for neutrality in dealing with terrorism created tensions between neutrality claims and on-ground realities.

4. Cyber Operations by Non-State Actors

Why It's a Weakness:

- Neutrality laws provide little guidance on cyberattacks, particularly those perpetrated by non-state actors using servers, infrastructure, or resources in neutral states.
- Neutral states hosting cyber infrastructure face challenges in enforcing neutrality without clear legal norms.

Cases:

- **Cyberattacks on Estonia (2007)**:
    - Estonia faced massive cyberattacks attributed to Russian actors, including non-state hackers, during a political dispute.
    - Servers and infrastructure in neutral states were allegedly used for these operations, raising questions about the neutrality obligations of states hosting these resources.
    - **Impact**: The absence of clear norms for cyber neutrality complicated responses and accountability.
- **Anonymous and Transnational Hacking**:
    - The decentralized hacker collective Anonymous has targeted entities in multiple countries, often from neutral or uninvolved states.
    - States hosting Anonymous-affiliated servers face accusations of enabling hostile actions, challenging their neutrality.
    - **Impact**: Cyber operations expose the gaps in traditional neutrality laws when dealing with digital non-state actors.

5. Humanitarian and Refugee Networks

Why It's a Weakness:

- Non-state actors, including NGOs and humanitarian organizations, sometimes operate in conflict zones, inadvertently supporting one side over another.
- Neutral states hosting such organizations face difficulties in ensuring that their actions are perceived as impartial.

Cases:

- **NGO Operations in Syria**:
    - Neutral states funding NGOs working in Syria faced accusations that aid indirectly supported opposition groups or strengthened rebel-held areas.
    - Example: Humanitarian aid sent to rebel-controlled areas was criticized for prolonging the conflict by indirectly benefiting insurgent groups.
    - **Impact**: Neutral states struggle to balance humanitarian commitments with the impartiality required by neutrality.
- **Refugee Networks in Conflict Zones**:
    - Neutral states hosting refugees from conflict zones (e.g., Syrian refugees in Jordan) were accused of enabling insurgencies by providing safe havens for opposition fighters among displaced populations.
    - **Impact**: Refugee flows complicate neutrality by blurring the lines between humanitarian obligations and indirect support for belligerents.

6. Economic and Financial Networks Supporting Non-State Actors

Why It's a Weakness:

- Non-state actors increasingly rely on global financial systems, including cryptocurrencies, informal networks, and legitimate businesses, to fund their operations.
- Neutral states hosting financial infrastructure face challenges in preventing misuse without breaching neutrality.

Cases:

- **Hawala Networks and Terror Financing**:
    - Neutral states in the Middle East and South Asia faced accusations of hosting hawala networks that facilitated terror financing, including for groups like Al-Qaeda.
    - **Impact**: Neutral states found it difficult to regulate these informal systems without appearing partial in global counterterrorism efforts.
- **Cryptocurrency and Non-State Actors**:
    - Non-state actors, including terrorist groups, increasingly use cryptocurrency to fund operations, often utilizing platforms based in neutral states.
    - **Impact**: The lack of regulations for cryptocurrency complicates the enforcement of neutrality in financial contexts.

7. Hybrid Warfare and Proxy Conflicts

Why It's a Weakness:

- Non-state actors are often proxies for state interests, blurring the line between state and non-state actions in hybrid warfare.
- Neutral states become targets or unwilling participants in such conflicts, undermining their neutrality.

Cases:

- **Ukraine Conflict and Separatist Groups**:
  - Russian-backed separatists in Eastern Ukraine operated as non-state actors, complicating the neutrality claims of states providing humanitarian aid to the region.
  - Neutral states faced challenges in avoiding perceived bias while engaging in aid efforts.
  - **Impact**: Hybrid conflicts expose the inadequacy of neutrality laws in managing non-state proxies.

Conclusion

The legal framework of neutrality in international law has significant weaknesses in adapting to the realities of non-state actors. These challenges manifest in cases involving terrorism, private military companies, cyber operations, humanitarian aid, and economic networks. To address these issues, international law must evolve to provide clearer guidelines on how neutrality applies to non-state actors, balancing the principles of impartiality with the realities of modern conflicts. Without these updates, the concept of neutrality risks becoming increasingly irrelevant in contemporary international relations.

6-111.9 Lack of Normative Development in Cyber Neutrality

The legal basis of neutrality in international law struggles to address the rapidly evolving domain of cyber conflicts, where rules and norms for neutrality remain underdeveloped. This lack of normative development in cyber neutrality weakens the framework's applicability to modern warfare and creates significant gaps in enforcement, accountability, and regulation. Below is a detailed analysis of the weaknesses, with relevant cases illustrating the challenges.

1. Absence of Clear Legal Definitions for Cyber Neutrality

Why It's a Weakness:

- Neutrality laws, as established under the Hague Conventions (1907) and customary international law, focus on traditional territorial and physical violations. They fail to define whether hosting, enabling, or failing to prevent cyberattacks constitutes a breach of neutrality.
- The lack of clarity leaves neutral states uncertain about their obligations in cyberspace, such as monitoring infrastructure, data centers, or internet service providers (ISPs).

Case:

- **Estonia Cyberattacks (2007)**:
    - A series of cyberattacks, attributed to Russian actors, targeted Estonia's government and financial infrastructure. The attacks leveraged servers and networks in third-party states, raising questions about the neutrality of those states in hosting or enabling cyber aggression.
    - **Impact**: The case highlighted the absence of legal frameworks defining the obligations of neutral states in preventing or responding to the use of their infrastructure for cyberattacks.

2. Challenges in Identifying Perpetrators

Why It's a Weakness:

- Cyberattacks are often anonymous or involve spoofing techniques, making it difficult to identify the perpetrator or establish state responsibility.
- Neutral states cannot easily determine whether a cyber operation originates from a belligerent state, a non-state actor, or their own territory.

Case:

- **NotPetya Ransomware Attack (2017)**:
    - This global cyberattack, attributed to Russian actors, disrupted systems worldwide, including in neutral states. Servers in various countries were implicated in the spread of the malware.
    - **Impact**: The inability to trace the attack definitively to a single actor or state complicated the enforcement of neutrality obligations for states inadvertently hosting infrastructure used in the attack.

3. Inadequate Regulation of Cyber Infrastructure

Why It's a Weakness:

- Neutral states often host servers, data centers, or cloud services that can be exploited for cyberattacks or espionage. Current neutrality laws do not specify whether hosting such infrastructure constitutes complicity in a conflict.
- Neutral states face challenges in monitoring and regulating these activities without violating principles of impartiality or privacy.

Case:

- **Neutral States and Global ISPs**:
    - Large ISPs and cloud service providers, headquartered in neutral states like Switzerland, have been implicated in hosting data used by belligerents in cyber conflicts.
    - **Impact**: The lack of clear guidance on whether hosting or failing to restrict such activities violates neutrality undermines the framework's effectiveness.

4. Ambiguity in Sovereignty Over Cyberspace

Why It's a Weakness:

- The concept of sovereignty in cyberspace is underdeveloped, making it unclear whether a cyberattack constitutes a violation of territorial integrity—a key aspect of neutrality.
- The transnational nature of cyberspace challenges traditional notions of borders and state sovereignty.

Case:

- **SolarWinds Cyber Espionage Campaign (2020)**:
    - The campaign targeted U.S. government agencies and private companies but relied on global infrastructure, including resources in neutral countries.
    - **Impact**: The incident raised questions about how neutrality applies when global infrastructure is used for cyber espionage or sabotage.

5. Lack of Enforcement Mechanisms

Why It's a Weakness:

- There are no effective enforcement mechanisms for violations of cyber neutrality, as international law lacks binding agreements or institutions capable of addressing cyber conflicts.
- Neutral states have limited capacity to hold perpetrators accountable or prevent the misuse of their infrastructure.

Case:

- **Cyberattacks During the Ukraine Conflict (2022)**:
    - Neutral states like Switzerland faced challenges in preventing their cyber infrastructure from being used in cyberattacks on Ukrainian or Russian targets.
    - **Impact**: The absence of enforcement mechanisms left neutral states vulnerable to accusations of complicity while failing to hold violators accountable.

6. Dual-Use Nature of Cyber Technologies

Why It's a Weakness:

- Cyber technologies, such as software, hardware, and communication networks, are often dual-use, serving both civilian and military purposes.
- Neutral states may inadvertently supply or enable belligerents with these technologies, raising questions about their neutrality.

Case:

- **Export Controls on Cyber Tools**:
    - Neutral states like Sweden and Switzerland have faced criticism for exporting dual-use technologies, such as encryption software, that were later used in military applications.
    - **Impact**: The dual-use nature of cyber technologies complicates the enforcement of neutrality in cyber contexts.

7. Vulnerability to Retaliation

Why It's a Weakness:

- Neutral states are often targeted by cyberattacks due to their perceived impartiality, strategic infrastructure, or lack of robust defenses.
- Retaliation by belligerents or non-state actors can force neutral states into conflicts they seek to avoid.

Case:

- **Switzerland as a Host of Global Organizations**:
    - Swiss neutrality has made it a target for cyberattacks aimed at global organizations based in Geneva, including the UN and the Red Cross.
    - **Impact**: The lack of cyber neutrality norms leaves neutral states vulnerable to becoming inadvertent participants in conflicts.

8. Insufficient Multilateral Cooperation

Why It's a Weakness:

- Existing international frameworks, such as the Budapest Convention on Cybercrime, focus on criminal aspects of cyber operations rather than neutrality in conflicts.
- Neutral states often lack access to coordinated multilateral tools for enforcing cyber neutrality.

Case:

- **Global Cybersecurity Norms**:
    - Efforts to establish norms for state behavior in cyberspace (e.g., through the UN Group of Governmental Experts) have stalled, leaving gaps in the regulation of neutrality in cyber conflicts.
    - **Impact**: The absence of multilateral cooperation undermines the ability of neutral states to uphold their obligations in cyberspace.

9. Ethical Dilemmas in Cyber Neutrality

Why It's a Weakness:

- Neutral states face ethical dilemmas when cyberattacks target critical civilian infrastructure, such as hospitals, energy grids, or water supplies.
- The principle of non-involvement can conflict with the moral obligation to protect civilian populations.

Case:

- **Cyberattacks on Healthcare During COVID-19**:
    - Cyberattacks on healthcare systems during the pandemic, often involving infrastructure in neutral states, created ethical challenges for maintaining impartiality.
    - **Impact**: The inability to respond effectively to cyberattacks targeting civilians highlights the ethical limits of neutrality in cyberspace.

Conclusion

The lack of normative development in cyber neutrality exposes significant weaknesses in the legal basis of neutrality in international law. Key challenges include the absence of clear definitions, inadequate enforcement mechanisms, and ambiguity in addressing dual-use technologies and sovereignty in cyberspace. These gaps make it difficult for neutral states to navigate the complexities of cyber conflicts, leaving them vulnerable to exploitation and accusations of complicity. To address these issues, international law must evolve to establish clear norms, definitions, and enforcement tools tailored to the unique challenges of cyberspace. Without these updates, neutrality risks losing relevance in the digital age.

6-112 Lack of General Clauses

There is a recognized lack of general, codified clauses specifically addressing the content and implications of neutrality in international law. While neutrality is an established concept in international law, its regulation relies heavily on treaties, customary international law, and state practice rather than a comprehensive, universally accepted legal framework. Here are some key points:

1. Fragmentation of Legal Provisions

- The law of neutrality is primarily governed by specific treaties, such as the Hague Conventions of 1907 (Hague Convention V and XIII), which address the rights and duties of neutral powers and persons during war.
- These provisions focus on wartime conduct and do not fully address neutrality in broader contexts, such as peacetime obligations, cybersecurity, space law, or economic sanctions.

2. Customary International Law

- Many aspects of neutrality rely on customary international law, which evolves through state practice and opinio juris (belief that a practice is legally obligatory).
- Customary norms often lack specificity, leading to ambiguities in application, particularly in modern conflicts involving hybrid warfare or non-state actors.

3. Challenges from Modern Conflicts

- The traditional concept of neutrality has struggled to adapt to new forms of conflict, including:
    - Cyberwarfare
    - Proxy wars
    - Non-traditional combatants (e.g., terrorist organizations)
- Existing frameworks provide limited guidance for neutral states in such scenarios.

4. Regional and Bilateral Agreements

- Some states or regions address neutrality through specific agreements, such as Switzerland's and Austria's neutrality statuses or bilateral agreements governing non-alignment.
- These agreements are context-specific and not universally applicable.

5. Lack of a Comprehensive International Instrument

- Unlike other domains of international law (e.g., human rights or trade), neutrality lacks a comprehensive multilateral treaty or convention that addresses its evolving nature and application in diverse contexts.

Potential for Development

Given these limitations, there is an increasing call for the modernization and codification of neutrality laws. A comprehensive treaty or expanded international guidelines could clarify:

- The rights and responsibilities of neutral states in modern conflicts.
- Obligations in cyberspace, space, and economic domains.
- Measures to balance neutrality with emerging concepts like collective security and humanitarian intervention.

The lack of general clauses underscores the need for dialogue and collaboration in the international community to ensure neutrality remains relevant and effective in addressing contemporary challenges.

6-113 Large Gaps

There are significant legal gaps in the regulation and application of neutrality in international law. These gaps arise due to the evolution of warfare, the diversification of international relations, and the inadequacy of existing frameworks to address contemporary challenges. Below are key areas where such gaps exist:

1. Outdated Legal Frameworks

- The principal treaties governing neutrality, such as the Hague Conventions of 1907 (V and XIII), were designed for conflicts between states involving conventional warfare.
- Modern conflicts involve asymmetric warfare, non-state actors, cyberattacks, and hybrid warfare strategies, none of which are adequately addressed by existing treaties.
- The conventions also do not account for newer concepts like space warfare or conflicts in the context of global digital infrastructure.

2. Cyberwarfare and Neutrality

- There is no universally accepted legal framework defining the rights and obligations of neutral states in cyberspace.

- Questions remain about:
    - Whether cyberattacks on neutral states constitute a violation of their neutrality.
    - How neutral states should respond to cyber operations originating from their territory or involving their infrastructure.
- The Tallinn Manual on the International Law Applicable to Cyber Warfare provides non-binding guidance but does not fill this legal gap.

3. Economic Neutrality and Sanctions

- Economic warfare, such as sanctions and trade blockades, challenges traditional neutrality concepts.
- Neutral states often struggle to reconcile their commitments to neutrality with participation in international economic sanctions regimes, particularly those imposed by the United Nations or powerful regional actors like the EU or the U.S.

4. Non-State Actors and Neutrality

- The rise of terrorist groups, paramilitary organizations, and other non-state actors complicates neutrality.
- Existing legal frameworks do not clearly define:
    - Whether states can provide humanitarian assistance to areas controlled by non-state actors without violating neutrality.
    - How neutral states should respond to non-state actor activities on their territory.

5. Neutrality in Multilateral Organizations

- Neutral states often participate in international organizations, such as the United Nations, which sometimes endorse collective military actions.
- This raises questions about how neutrality is preserved when neutral states are part of collective security measures or peacekeeping missions.

6. Technological Advancements

- Advances in technology, such as autonomous weapons systems, surveillance technologies, and artificial intelligence, present legal and ethical dilemmas for neutral states.
- These technologies blur the lines between civilian and military uses, challenging the application of neutrality principles.

7. Space Neutrality

- The militarization of outer space has introduced a new domain where neutrality principles are ill-defined.
- There is little clarity on whether space assets, such as satellites owned by neutral states, can be used by warring parties without breaching neutrality.

8. Ambiguity in Customary Law

- Many neutrality principles rely on customary international law, which can be ambiguous and subject to varying interpretations.
- Disputes over what constitutes a breach of neutrality often arise due to differences in state practice.

Addressing the Gaps

Efforts to address these gaps could include:

- **Developing new treaties**: International agreements to address neutrality in cyberspace, economic sanctions, and space law.
- **Clarifying customary law**: Greater reliance on International Court of Justice (ICJ) rulings or advisory opinions to interpret neutrality principles.
- **Strengthening regional mechanisms**: Regional agreements that supplement global neutrality laws in specific contexts.

These gaps highlight the pressing need for an updated and cohesive legal framework to ensure the concept of neutrality remains relevant in a rapidly changing world.

6-114 Minimum Requirements

The legal framework of neutrality is often criticized for being primarily composed of minimum requirements, which can create vulnerabilities in its effectiveness and enforceability. Here's a detailed breakdown of why this is considered a weakness:

1. Minimal Standards Lead to Ambiguity and Loopholes

Many neutrality laws and international agreements set minimum requirements for states or entities to adhere to. However, these baseline provisions often lack detailed guidance on how they should be applied in complex, real-world scenarios. This leaves room for ambiguous interpretations, enabling states to comply with the letter of the law while violating its spirit.

For example:

- The Hague Conventions (1907) define neutrality in armed conflict but provide broad discretion to neutral states on how to implement their obligations. As a result, states may adopt a passive rather than an active role in neutrality enforcement.
- The UN Charter and related laws on neutrality prohibit the use of force but do not provide a detailed enforcement mechanism when neutrality is violated, leading to inconsistent international responses.

2. Lack of Strong Enforcement Mechanisms

Because neutrality laws focus on minimum compliance, they rarely contain concrete enforcement mechanisms. This means that:

- Violations of neutrality are often met with diplomatic responses rather than legally binding consequences.
- International bodies such as the International Court of Justice (ICJ) can issue rulings, but they often lack the power to enforce them, leaving states to selectively comply.
- Some neutrality provisions rely on self-regulation, assuming states will voluntarily adhere to them, which weakens their overall deterrent effect.

3. Minimum Standards Fail to Address Modern Warfare and Hybrid Threats

The legal framework of neutrality was largely designed for traditional interstate conflicts, but modern warfare presents challenges that are not adequately addressed by these minimum requirements. For instance:

- Cyber warfare and economic sanctions have blurred the line between neutrality and participation in conflict.
- Hybrid warfare, where non-state actors, economic coercion, and misinformation campaigns play a role, is not clearly covered under traditional neutrality laws.
- States can exploit gray areas—such as providing "non-military aid" that indirectly supports one side in a conflict—without being considered as breaking neutrality.

4. Failure to Protect Against Political and Economic Pressures

Minimum neutrality laws do not adequately shield neutral states from economic and political coercion. In modern geopolitics:

- Powerful states often exert economic pressure on neutral nations to align with their interests.
- Trade restrictions, sanctions, and diplomatic isolation can be used as tools to force compliance with one side of a conflict.

- Because neutrality laws set only basic obligations, they do not provide strong protections against these external pressures.

5. Reactive Rather Than Proactive Framework

The legal framework of neutrality is often reactive, meaning it only applies after a conflict has begun. However:

- There is little legal obligation for states to prevent actions that could lead to neutrality violations.
- Neutrality laws do not adequately address the role of early warning mechanisms and preventative diplomacy.
- This creates a situation where legal rulings only address violations after they occur, rather than actively deterring them.

6. Inconsistencies Between National and International Laws

Another major weakness is that:

- Many states interpret neutrality differently in their domestic laws, leading to conflicting applications at the international level.
- Some nations adopt a more restrictive view of neutrality, while others take a flexible approach, making it difficult to establish a uniform standard.
- Because neutrality law is based on customary international law as well as treaties, enforcement is uneven and inconsistent.

Conclusion

The reliance on minimum requirements in the legal framework of neutrality results in ambiguities, weak enforcement, and a failure to adapt to modern conflicts. It allows states to manipulate legal loopholes, fails to protect neutral parties from political and economic coercion, and does not proactively prevent neutrality violations. Strengthening neutrality laws with clearer definitions, stronger enforcement mechanisms, and modernized provisions is necessary to make them more effective in contemporary international relations.

6-115 Fragmented Basis

The legal basis for the content of neutrality is highly fragmented in international law. This fragmentation arises from the reliance on a mix of treaties, customary international law, state practice, and judicial decisions, each addressing specific aspects of neutrality without forming a cohesive or comprehensive framework. Below are key reasons for this fragmentation:

1. Treaty Law

- The most prominent treaties on neutrality are Hague Convention V (Neutral Powers in Land War) and Hague Convention XIII (Neutrality in Naval War), both adopted in 1907.
    - These treaties provide foundational rules but are limited in scope, focusing primarily on interstate wars and conventional armed conflicts.
    - They do not address modern forms of warfare, such as cyberwarfare, hybrid conflicts, or space warfare.
- Other treaties indirectly touch on neutrality, such as the United Nations Charter, which governs the use of force and collective security but does not explicitly codify neutrality rights and obligations.

2. Customary International Law

- Neutrality principles also derive from customary international law, which evolves through state practice and opinio juris (a belief that the practice is legally obligatory).
    - While customary law fills gaps left by treaties, it can vary widely in interpretation and application.
    - The lack of uniformity in state practice contributes to legal uncertainty, especially in emerging areas like cyberspace and economic sanctions.

3. Judicial Interpretations

- International judicial bodies, such as the International Court of Justice (ICJ), occasionally address issues related to neutrality.
    - These rulings are case-specific and do not create binding precedent for broader neutrality issues.
    - The absence of frequent or comprehensive judicial clarification leaves many aspects of neutrality ambiguous.

4. Regional and Bilateral Agreements

- Neutrality is sometimes codified in regional or bilateral agreements, but these are not universally applicable.
    - Examples include Switzerland’s neutrality under international recognition and Austria’s neutrality established by the Austrian State Treaty (1955).
    - These agreements reflect specific historical and political contexts and do not create general rules for neutrality.

5. Gaps in Modern Contexts

- Fragmentation is particularly evident in addressing neutrality in non-traditional contexts:
    - **Cyberwarfare**: No treaty explicitly regulates neutrality in cyberspace, leaving states to interpret obligations based on general international law or non-binding guidance (e.g., the Tallinn Manual).
    - **Economic Neutrality**: There is no comprehensive framework governing neutral states' participation in global trade or sanctions regimes during conflicts.
    - **Space and Autonomous Weapons**: International space law, such as the Outer Space Treaty (1967**)**, does not explicitly address neutrality, leaving unclear whether neutral states must restrict belligerent use of their space assets.

6. Conflict with Other Norms

- Neutrality obligations sometimes conflict with other international law norms, such as:
    - **Collective security obligations** under the UN Charter (e.g., participation in peacekeeping or sanctions).
    - **Humanitarian law and intervention**, where neutrality may be challenged by obligations to prevent atrocities or protect human rights.

Consequences of Fragmentation

1. **Legal Ambiguity**: States may interpret neutrality obligations differently, leading to inconsistent practices and potential disputes.
2. **Limited Applicability**: The fragmented legal basis means that neutrality laws are often unsuitable or inadequate for addressing modern conflicts.
3. **Selective Adherence**: States may exploit gaps in neutrality laws to justify actions that might otherwise violate international law.

Addressing Fragmentation

Efforts to reduce fragmentation could include:

- **Codification**: Developing a comprehensive treaty or set of principles that modernize and unify neutrality law.
- **Judicial Clarification**: Encouraging international courts to clarify key issues of neutrality through advisory opinions or rulings.
- **Dialogue and Cooperation**: Establishing multilateral forums to harmonize state practices and interpretations of neutrality in emerging domains.

While neutrality remains a key principle of international law, its fragmented legal basis highlights the need for modernization to ensure its relevance and consistent application in a changing world.

6-116 Core of the Neutrality Rules Is Older Customary Law

The core of the legal content of neutrality largely originates from older customary law, with its most structured codification found in Hague Conventions V and XIII (1907). These conventions, while historically significant, have not evolved sufficiently to meet the complexities of modern conflicts. Here's why:

1. The Foundation: Customary Law and The Hague Conventions

Customary Law as the Basis of Neutrality

Neutrality as a legal concept predates modern treaties and is primarily derived from customary international law developed over centuries. These customs were built on practices that emerged during European wars in the 17th and 18th centuries, especially:

- The Peace of Westphalia (1648), which laid the foundation for state sovereignty and neutrality.
- The Armed Neutrality Leagues of the 18th century, which sought to protect neutral shipping from belligerent powers.
- The Declaration of Paris (1856), which established principles on neutral shipping and privateering.

These customary principles were later formalized in the Hague Conventions of 1907, particularly:

- Hague Convention V (Neutral Powers in Land War)
- Hague Convention XIII (Neutral Powers in Maritime War)

These treaties set out rules on how neutral states should behave in armed conflicts and how belligerents must respect their neutrality.

2. Why The Hague Conventions Are Outdated

While the Hague Conventions of 1907 were progressive at the time, they are now ill-suited to contemporary conflicts for several reasons:

A. They Primarily Address Traditional State-on-State Warfare

- The Hague Conventions were written before World War I, at a time when war was largely understood as conventional military conflicts between sovereign states.

- The rise of non-state actors, proxy wars, cyber warfare, and hybrid conflicts means that many of the legal provisions are outdated or inadequate.
- Modern warfare involves coalitions, multinational alliances, and economic warfare, all of which blur the traditional notion of neutrality.

B. They Lack Provisions for Cyber, Economic, and Hybrid Warfare

- Cyber warfare did not exist in 1907, meaning there are no provisions on how neutrality applies to digital attacks.
- Economic warfare (such as sanctions, trade embargoes, and financial restrictions) is now a dominant form of conflict, but the Hague rules were primarily concerned with military occupation and armed hostilities.
- Hybrid warfare tactics, such as disinformation campaigns and proxy conflicts, do not fit neatly into Hague-era legal categories.

C. The Treaties Do Not Address Collective Security and UN Charter Obligations

- The UN Charter (1945), particularly Article 51 (self-defense) and Chapter VII (collective security), introduced new principles that override some aspects of Hague neutrality.
- Since the formation of the United Nations, neutrality has been challenged by doctrines like "Responsibility to Protect" (R2P), which argue that states cannot remain neutral in the face of mass atrocities.
- Collective defense alliances, such as NATO, further complicate neutrality because member states are obligated to assist one another in conflicts, effectively limiting their ability to claim neutral status.

D. The Hague Rules Have Weak Enforcement Mechanisms

- The Hague Conventions rely largely on voluntary compliance, meaning there are no strong enforcement mechanisms when neutrality is violated.
- International bodies like the International Court of Justice (ICJ) can issue rulings, but enforcement depends on state cooperation, making the system weak.
- Many states interpret and apply Hague neutrality principles selectively, undermining their universality.

3. Modern Attempts to Update Neutrality Law

Since the Hague Conventions, there have been some efforts to modernize neutrality law, but they have not replaced the 1907 framework as the primary legal foundation:

- The UN Charter (1945) changed the global approach to war and neutrality, but it did not codify new neutrality laws.

- The Geneva Conventions (1949) and Additional Protocols (1977) focus on humanitarian law rather than redefining neutrality itself.
- The Law of the Sea (UNCLOS, 1982) has provisions relevant to neutrality in maritime disputes, but it does not replace Hague XIII.
- Recent cyber law discussions, such as the Tallinn Manual (2013, 2017), attempt to address neutrality in cyber warfare, but they are non-binding.

Despite these modern updates, the legal framework of neutrality is still anchored in early 20th-century law, which does not adequately address today's geopolitical realities.

4. Conclusion: An Outdated Legal Framework

The legal core of neutrality is indeed overwhelmingly based on old customary law and the Hague Conventions, which do not effectively address:

- The complexities of modern warfare, including cyber and hybrid threats.
- The erosion of strict neutrality due to collective security frameworks like NATO and the UN.
- The lack of enforcement mechanisms, allowing violations to go unpunished.
- The rise of economic and political coercion, which can force nominally neutral states to take sides in conflicts.

Because of this, while neutrality remains a recognized principle in international law, its legal framework is increasingly out of touch with the realities of 21st-century conflict. To remain relevant, neutrality law would require a fundamental modernization, addressing new forms of warfare, economic pressure, and international security obligations.

6-117 Wide-Ranging Disruption of the Law of Neutrality

6-117.1 As a Result of the First World War

The First World War (1914–1918) caused significant disruptions to the traditional law of neutrality, challenging many of its core principles and practices. The war's scale, technological advancements, and the rise of total war fundamentally altered the application and perception of neutrality in international law.

Key Disruptions to the Law of Neutrality:

1. **Violation of Neutrality by Belligerents**:
    - During the war, belligerents frequently violated neutral rights and territories. For example:

        - Germany's invasion of neutral Belgium in 1914 blatantly disregarded its neutrality guaranteed by international agreements, such as the Treaty of London (1839).
        - Naval blockades by both the Allied and Central Powers interfered with neutral shipping, often in contravention of established maritime neutrality laws (e.g., the Hague Conventions and the Declaration of London, 1909).
2. **Economic Pressures on Neutral States**:
    - Belligerents imposed economic blockades and trade restrictions that targeted neutral states, making it increasingly difficult for them to maintain impartiality.
    - The British naval blockade of Germany, which restricted neutral trade with Central Powers, forced many neutral states to align economically with the Allies, undermining their neutral stance.
3. **Technological and Strategic Innovations**:
    - The use of **submarine warfare**, particularly Germany's unrestricted U-boat campaign, disrupted the traditional law of neutrality at sea. Neutral ships were often sunk without warning, contrary to established practices requiring inspections or safe passage.
    - The advent of aviation and long-range weaponry further blurred the boundaries of neutrality, as neutral airspace and territories were more easily violated.
4. **Neutrality vs. Total War**:
    - The concept of total war, where entire nations and economies were mobilized for conflict, eroded the feasibility of strict neutrality.
    - Belligerents viewed neutral trade and resources as critical to their enemies' war efforts, leading to increased pressure on neutrals to choose sides.
5. **Emerging Collective Security Concepts**:
    - The war highlighted the inadequacies of neutrality in addressing global conflicts, contributing to the development of collective security frameworks. The establishment of the League of Nations after the war marked a shift toward collective responses to aggression, often at odds with traditional notions of neutrality.
6. **US Neutrality and Entry into the War**:
    - The United States initially sought to maintain strict neutrality but faced mounting challenges due to economic ties with the Allies and German U-boat attacks on neutral ships (e.g., the sinking of the Lusitania). Its eventual entry

into the war in 1917 underscored the difficulty of remaining neutral in a globalized and highly interdependent conflict.

Aftermath and Legacy:

The First World War revealed the inadequacies of the pre-war law of neutrality in the face of modern, large-scale conflict. Key consequences included:

- A decline in the practical utility of neutrality during major wars.
- The weakening of public and legal confidence in the Hague Conventions' ability to protect neutral states.
- A shift toward collective security and international cooperation (e.g., the League of Nations and, later, the United Nations) as alternatives to neutrality.

While the core principles of neutrality remained part of international law, the disruptions caused by World War I marked the beginning of a transformation in how neutrality was understood and applied in the modern era.

6-117.2 As a Result of the Second World War

The Second World War (1939–1945) caused even greater and more widespread disruption to the traditional law of neutrality than the First World War. The global scale of the conflict, advancements in warfare, and the ideological nature of the war rendered many aspects of the traditional neutrality framework ineffective or irrelevant.

Major Disruptions to the Law of Neutrality:

1. **Erosion of Neutrality in Practice**:
    - Many neutral states struggled to maintain their neutrality due to the scale of the war and the belligerents' disregard for neutral rights:
        - Germany’s invasions of neutral states like Norway, Denmark, Belgium, the Netherlands, and Luxembourg flagrantly violated their neutral status.
        - The occupation of neutral Iceland by British and later American forces in 1940, ostensibly to prevent its use by Germany, demonstrated the pressures on neutrality during wartime.
2. **Economic Neutrality Undermined**:
    - The traditional principle that neutrals could trade freely with belligerents, subject to contraband rules, was undermined by:

        - **Blockades**: Both the Allied and Axis powers used economic blockades to restrict neutral trade, particularly with their enemies. For example, the British naval blockade severely limited trade with Axis-aligned countries.
        - **Lend-Lease Program**: The U.S. supplied war materials to Allied nations under the Lend-Lease Act, blurring its neutral status before entering the war in 1941.
3. **Technological and Tactical Changes**:
    - The increased role of aerial warfare and long-range weapons made it more difficult to respect neutral territories and airspaces:
        - Neutral airspace, such as that of Switzerland, was often violated by both sides, with occasional bombings of neutral territories.
    - Advances in submarine warfare continued to challenge the application of traditional maritime neutrality laws.
4. **Neutrality vs. Collective Security**:
    - The ideological nature of the war (fascism vs. democracy and communism) and the commitments of collective security under the League of Nations made strict neutrality untenable in some cases:
        - Finland, for example, fought against the Soviet Union (the Winter War) and later aligned with Germany, making its neutrality questionable.
        - Neutral countries like Sweden were pressured to provide material support or allow troop movements, complicating their neutral status.
5. **United States' Gradual Abandonment of Neutrality**:
    - The U.S. initially declared neutrality but adopted increasingly non-neutral policies (e.g., Lend-Lease, the Atlantic Charter) before officially entering the war in December 1941.
    - The Japanese attack on Pearl Harbor and Germany's declaration of war on the U.S. made neutrality impossible for the United States and marked a turning point in global neutrality norms.
6. **Neutrality in the Context of Total War**:
    - The concept of total war, where civilian economies and populations became targets, further undermined neutrality. Neutral states were often unable to escape the war's effects, either through economic pressures, territorial occupation, or indirect involvement.

7. **Post-War Impact on Neutrality**:
    - The Second World War demonstrated that neutrality was no longer a viable strategy in large-scale global conflicts involving ideological divides and collective security frameworks.
    - The establishment of the United Nations after the war further weakened traditional neutrality, as member states were expected to collectively address threats to peace, often sidelining neutral stances.

Conclusion:
The Second World War disrupted the law of neutrality even more profoundly than the First World War. The global and ideological nature of the conflict, combined with advances in technology and total war strategies, rendered traditional neutrality ineffective in many cases. After the war, the emergence of the United Nations and Cold War dynamics further diminished the relevance of classical neutrality in international law.

6-12 Permanent Neutrality

6-121 Lack of International Agreements

The lack of comprehensive international agreements on the content and framework of permanent neutrality presents significant challenges for states that adopt this status. These challenges stem from the ambiguity in legal obligations, inconsistencies in application, and the absence of a universally accepted framework that defines the rights and responsibilities of neutral states. Below is a detailed elaboration on these challenges:

1. Legal Ambiguity and Lack of Standardization
One of the most significant challenges is the absence of a universally binding treaty or convention that clearly defines the content and framework of permanent neutrality. While there are historical precedents such as the Hague Conventions of 1907 and specific cases like Switzerland's neutrality codified in international agreements, there is no single document that establishes a standardized definition of permanent neutrality applicable to all states. This lack of standardization results in:

- **Divergent Interpretations:** Different states and international actors may interpret the obligations of neutral states inconsistently.
- **Uncertainty in Legal Obligations:** States adopting neutrality may struggle to determine which actions are permissible and which violate their neutral status.

- **Disputes Over Compliance:** Other states and international organizations may disagree on whether a neutral state is fulfilling its obligations, leading to diplomatic conflicts.

2. Inconsistencies in State Practice and Precedents

Since permanent neutrality is not governed by a universally accepted legal framework, its implementation varies widely. Some states, like Switzerland and Austria, have well-defined neutrality provisions, while others operate under different understandings of the concept. This leads to:

- **Precedent-Based Discrepancies:** Some neutral states maintain military forces, while others adopt complete disarmament. There is no uniform rule to guide these decisions.
- **Selective Recognition:** A neutral state may be recognized as such by some countries but not by others, undermining the legitimacy of its neutrality.
- **Evolving Interpretations:** International law evolves with geopolitical realities, but without a fixed framework, states may be pressured to redefine their neutrality under new circumstances, leading to unpredictability.

3. Challenges in Crisis Situations and Conflict Management

Without a comprehensive international agreement, neutral states face difficulties when dealing with international conflicts and crises. These include:

- **Unclear Rules on Military Assistance and Defense:** In cases of aggression, it remains unclear to what extent neutral states can engage in self-defense cooperation or whether alliances for defensive purposes violate neutrality.
- **Sanctions and Economic Neutrality:** In cases of international sanctions, neutral states may struggle to determine whether compliance with sanctions (e.g., against an aggressor state) is compatible with their neutrality.
- **Peacekeeping and Humanitarian Involvement:** Some neutral states participate in peacekeeping missions under the United Nations. However, without a clear international framework, it remains uncertain whether such participation conflicts with the principles of permanent neutrality.

4. Lack of Institutional Oversight and Enforcement Mechanisms

Another major challenge is the absence of an international institution or legal body responsible for monitoring and ensuring compliance with neutrality obligations. This results in:

- **Self-Regulation Issues:** Neutral states must largely define and uphold their own policies, leading to inconsistencies and potential bias.
- **No Unified Dispute Resolution Mechanism:** If a neutral state is accused of breaching its neutrality, there is no established legal body to adjudicate such claims, increasing the risk of diplomatic disputes.
- **Influence of Major Powers:** Without an international framework, powerful states may exert pressure on neutral countries to act in ways that favor their interests, thus weakening the credibility of neutrality.

5. Difficulties in Diplomatic Recognition and Adaptation to Changing International Norms

As the world order evolves, neutrality policies may need to adapt. However, without an agreed-upon framework, neutral states face challenges in:

- **Recognition by International Organizations:** Some neutral states face obstacles in joining military-political organizations like the EU or NATO-affiliated structures while maintaining neutrality.
- **Shifting Global Norms:** The lack of a clear framework means that what is considered “neutral behavior” can shift depending on international consensus, forcing states into difficult diplomatic positions.
- **Differentiation Between Permanent and Temporary Neutrality:** Some states may claim temporary neutrality for strategic purposes, but without a structured framework, distinguishing between permanent and temporary neutrality remains challenging.

Conclusion

The lack of a comprehensive international agreement on permanent neutrality’s content and framework leaves states in a precarious position. They must navigate complex geopolitical landscapes without a universally recognized legal foundation, leading to uncertainty, potential disputes, and inconsistencies in practice. To address these challenges, there would need to be efforts toward establishing an international legal framework or treaty that clearly defines the obligations, rights, and enforcement mechanisms related to permanent neutrality.

6-2 Status of Neutrality

6-21 Neutrality

6-211 Problematic Automatic Rule

The rule that states not taking part in an armed conflict are automatically considered neutral, as derived from customary international law and the Hague Conventions of 1907, can indeed be problematic in several ways. Below are the primary issues and challenges with this rule:

1. Oversimplification of Neutrality

- This rule assumes neutrality is a default status for non-participating states, ignoring the nuanced obligations and rights that come with being neutral.
    - Neutrality in international law imposes duties, such as refraining from providing support to belligerents or hosting their military operations.
    - States may unintentionally violate neutrality (e.g., by allowing overflights, economic sanctions, or arms trade) without recognizing these obligations.

2. Lack of Explicit Consent or Declaration

- Automatic neutrality assumes that a state consents to the obligations of neutrality without requiring an explicit declaration.
    - Not all states may wish to adopt neutrality, preferring to maintain flexibility in their foreign policy.
    - Some states may wish to remain uninvolved without adhering to strict neutrality obligations, creating ambiguity in their status.

3. Challenges in Modern Warfare

- In modern conflicts, the boundaries of participation are increasingly blurred due to:
    - **Economic sanctions:** States imposing sanctions on belligerents may be perceived as taking sides.
    - **Cyber warfare:** Non-physical involvement, such as providing or hosting cyber operations, complicates the traditional concept of neutrality.
    - **Coalitions and alliances:** Participation in peacekeeping or UN-mandated missions could raise questions about neutrality in the eyes of belligerents.

4. Geographic and Strategic Realities

- States situated near conflict zones or with strategic significance face unique challenges in maintaining neutrality:

- Their territory may be used for logistical or military purposes without their consent.
- Neutrality could be perceived as impractical or ignored by belligerents due to geopolitical realities.

5. Implications for Sovereignty

- Automatic neutrality may impose obligations on states that conflict with their sovereign decisions.
  - For example, a state may wish to provide humanitarian aid, participate in peace processes, or support international law enforcement efforts, which could be misconstrued as breaches of neutrality.

6. Recognition and Enforcement Issues

- Automatic neutrality assumes mutual recognition by belligerents and other states, which is not always guaranteed:
  - Belligerents may accuse neutral states of bias or covert support, undermining the concept of neutrality.
  - Without mechanisms for enforcement, breaches of neutrality by belligerents or the neutral state may go unaddressed.

7. Misalignment with Permanent Neutrality

- Permanent neutrality (as adopted by states like Switzerland or Austria) requires a formal declaration and recognition, with obligations extending beyond times of conflict.
  - The automatic neutrality rule fails to distinguish between temporary neutrality during a conflict and permanent neutrality as a long-term policy.

8. Erosion of Neutrality in Collective Security Systems

- Modern systems like the United Nations and regional organizations (e.g., NATO, the EU) emphasize collective security.
  - Neutral states may face dilemmas in participating in collective actions against aggressors, such as sanctions or peace enforcement missions, without violating neutrality.

Conclusion

The rule that non-participating states are automatically neutral oversimplifies the complex legal, political, and strategic considerations of neutrality. A more refined and adaptable framework is needed, one that:

1. Clarifies the obligations and rights of neutral states.
2. Distinguishes between temporary and permanent neutrality.
3. Accounts for the complexities of modern conflicts and international cooperation.
4. Provides mechanisms for recognition and enforcement to ensure fairness and compliance.

6-212 Problematic Rule of Neutrality Declarations

The rule requiring an explicit declaration of neutrality by a state that does not wish to participate in a war is indeed problematic for various reasons. While the declaration serves as a formal expression of neutrality, the necessity and practicality of such a requirement can create challenges for states. Below are the primary issues associated with this rule:

1. Ambiguity in Customary International Law

- While international law recognizes that a state may declare its neutrality, it is not always clear whether this declaration is obligatory.
    - The Hague Conventions (1907) establish obligations for neutral states but do not mandate a formal declaration.
    - States that refrain from making a declaration might still adhere to neutrality in practice, creating ambiguity about their status.

2. Practical Challenges in Modern Conflicts

- Modern conflicts often involve:
    - Non-state actors (e.g., insurgent groups, terrorist organizations).
    - Hybrid warfare (e.g., cyberattacks, economic blockades).
- A formal declaration of neutrality may not effectively address these complex scenarios, as it was designed with traditional, state-centered conflicts in mind.

3. Geopolitical Risks

- Declaring neutrality may expose a state to political and military risks:
    - Belligerents may perceive neutrality as hostile or uncooperative, leading to retaliation.

- Smaller or strategically located states may face coercion or pressure to abandon neutrality by powerful neighbors or alliances.

4. Lack of Recognition by Belligerents

- A declaration of neutrality requires recognition by the warring parties to be meaningful, yet:
  - Belligerents may choose to ignore the declaration or dispute its legitimacy.
  - The absence of recognition undermines the legal and practical value of the declaration.

5. Limitations in Preventing Involvement

- Even after declaring neutrality, a state may struggle to maintain its stance due to:
  - **Geographic proximity to the conflict:** Belligerents may violate its territory or airspace.
  - **Economic ties:** Trade and economic relations with one or more belligerents may lead to accusations of partiality.
  - **Participation in international systems:** Membership in organizations like the UN or EU may obligate certain actions, such as sanctions, that could conflict with neutrality.

6. Unnecessary Formalism

- Requiring a formal declaration may be seen as an unnecessary bureaucratic formality:
  - A state's actions and policies (e.g., non-alignment, denial of military access) may already indicate neutrality without the need for a formal announcement.
  - The focus on declarations can detract from substantive compliance with neutrality obligations.

7. Historical and Contextual Variations

- The necessity of a neutrality declaration depends on historical and contextual factors:
  - Some states, like Switzerland, maintain a longstanding policy of permanent neutrality, recognized without the need for repeated declarations.
  - Others may face a unique situation where silence or strategic ambiguity about their neutrality is more advantageous than a formal declaration.

8. Incompatibility with Collective Security

- In the post-UN Charter era, the collective security framework complicates neutrality:

- A state may face pressure to support UN-sanctioned military interventions, even after declaring neutrality.
- Neutrality declarations may be viewed as obstructive to collective efforts to maintain peace and security.

9. Erosion of Neutrality in Modern Practice

- Modern conflicts often involve globalized economies, cyber capabilities, and transnational organizations, where neutrality may not be feasible or recognized as meaningful.
  - A formal declaration may appear symbolic rather than practical in addressing these evolving realities.

Conclusion

The requirement for an explicit declaration of neutrality is problematic because it does not adequately address the complexities of modern international relations, conflict dynamics, and the evolving nature of warfare. To mitigate these challenges, international law could:

1. Focus on substantive actions rather than formal declarations to define neutrality.
2. Develop clearer guidelines for states seeking to adopt neutrality in modern contexts.
3. Recognize the limitations of neutrality in globalized and interconnected conflicts.
4. Provide mechanisms for monitoring and enforcing neutrality without overreliance on formal declarations.

6-22 Permanent Neutrality

6-221 Lack of International Agreements

The absence of comprehensive international agreements governing the status of permanent neutrality creates significant challenges for its implementation, recognition, and enforcement. Without a universally binding legal framework, states that adopt neutrality face uncertainties in defining their international position, securing recognition from other states and organizations, and ensuring their status is respected and upheld. Below is a detailed analysis of these challenges:

1. Challenges in Implementation of Permanent Neutrality

Implementing permanent neutrality without a clear international framework is a complex task, as states must determine the scope, limitations, and mechanisms for upholding their status. The main challenges include:

- **Self-Declaration vs. External Validation:**
  A state may unilaterally declare itself permanently neutral, but without an internationally recognized process, other states may dispute or ignore this status. Unlike Switzerland and Austria, which had neutrality recognized through treaties, new neutral states struggle to achieve the same legitimacy.
- **Lack of Guidelines for Military and Security Policies:**
  - Should a neutral state maintain an army or adopt disarmament?
  - Can it engage in collective security arrangements for defense without violating neutrality?
  - What type of defensive alliances or treaties are acceptable?
  - Without an agreed international standard, states risk inconsistent and contested implementations.
- **Economic and Political Considerations:**
  - How should a neutral state engage in global trade and sanctions regimes?
  - Can it join regional organizations without compromising neutrality?
  - To what extent can it participate in military-industrial partnerships without being perceived as partial?
    The absence of clear international rules makes it difficult for neutral states to balance security, trade, and diplomacy while maintaining credibility.

2. Recognition Challenges: Legitimacy and International Acceptance

Without comprehensive international agreements, states seeking permanent neutrality face difficulties in securing recognition from other countries and international organizations. This results in:

- **Selective Recognition:**
  Some states may recognize a country's neutrality while others may not, leading to fragmented legitimacy. For instance, global powers may refuse to acknowledge neutrality if it conflicts with their strategic interests.
- **No Uniform Process for International Recognition:**
  - Should neutrality be recognized through UN resolutions, bilateral treaties, or multilateral agreements?
  - Is recognition permanent, or can it be revoked based on geopolitical shifts?
  - Does recognition require approval from specific international bodies?
    The lack of a structured process means each neutral state must individually negotiate recognition, creating diplomatic hurdles.

- **Challenges with International Organizations:**
    - How does a permanently neutral state engage with the United Nations, European Union, or regional security groups?
    - Can it be part of organizations with collective defense clauses (e.g., the EU's Common Security and Defense Policy) without violating neutrality?
    - Should neutral states abstain from military actions authorized by international bodies?

      The absence of standardized rules creates ambiguity in how neutral states interact with international institutions.

3. Enforcement Challenges: Protecting Neutrality in a Conflict

Even if a state declares permanent neutrality, enforcement remains a major challenge without international agreements. Key issues include:

- **No Automatic International Protection:**
    - If a neutral state is invaded, who enforces its neutrality?
    - Are international coalitions or the UN obligated to intervene?
    - Without clear obligations, neutral states are left to rely on self-defense or uncertain international support.
- **Pressure from Major Powers:**
    - In times of conflict, neutral states often face external pressure to take sides.
    - Without a legal framework, powerful states may ignore neutrality or use economic and political coercion to force alignment.
    - There is no universally recognized mechanism for protecting neutrality from external interference.
- **Challenges in Conflict Resolution:**
    - If a neutral state is caught in a regional or global conflict, what legal avenues does it have to ensure its neutrality is respected?
    - Is there a role for the International Court of Justice, UN Security Council, or regional bodies to adjudicate neutrality violations?
    - Can neutral states participate in peacekeeping without jeopardizing their status?

      The lack of clear enforcement mechanisms makes neutrality highly vulnerable in times of geopolitical tension.

Conclusion

The absence of comprehensive international agreements governing the status of permanent neutrality creates significant hurdles in its implementation, recognition, and enforcement.

Without a legally binding international framework, neutral states must define their own terms, struggle for recognition, and lack protection mechanisms in times of crisis. Addressing these gaps would require a global treaty or convention to formalize the process for declaring, recognizing, and enforcing neutrality under international law.

6-222 Reluctance to Recognize Permanent Neutrality

The reluctance of third states and international organizations to recognize the permanent neutrality of a state stems from a variety of political, legal, and practical factors. Recognition of permanent neutrality requires explicit acknowledgment and respect for the state's unique status, but achieving this can be challenging in the modern international landscape.

1. Lack of a Universal Framework

- **Absence of international agreements:** There is no global treaty or convention codifying the principles, obligations, and recognition process for permanent neutrality. This leads to:
    - Inconsistencies in how neutrality is interpreted and applied.
    - Discretion by third states and organizations to determine whether to recognize a state's neutrality.

2. Geopolitical Considerations

- **Strategic interests:** Third states may be hesitant to recognize permanent neutrality if:
    - The neutral state occupies a strategic geographic location (e.g., near conflict zones or trade routes).
    - Recognizing neutrality limits their influence in the region.
- **Power politics:** Major powers may pressure smaller states to avoid neutrality in favor of aligning with their alliances or interests (e.g., NATO or regional blocs).

3. Perception of Opportunism

- Neutrality declarations may sometimes be perceived as:
    - A tactic of self-preservation without genuine commitment to neutrality principles.
    - A means to avoid taking responsibility in regional or international security arrangements.
    - Inconsistent with prior actions, raising doubts about the state's intentions.

4. Challenges in Permanent Neutrality Obligations

- **Complexity of modern conflicts:** The evolving nature of warfare and international relations complicates the concept of neutrality:
    - Cyberattacks, terrorism, and economic sanctions make it difficult for neutral states to avoid indirect involvement.
    - Membership in international organizations like the UN, EU, or regional defense systems creates obligations that might contradict neutrality.
- **Compliance doubts:** Third states or organizations may doubt whether the neutral state can or will adhere to its obligations (e.g., prohibiting foreign military bases, refraining from alliances).

5. Ambiguity in Recognition Practices

- Recognition of neutrality is often informal or implied rather than formalized through treaties:
    - Without a consistent process, recognition depends on political goodwill, which can vary between states and organizations.
    - Some states may only tacitly respect neutrality without providing explicit acknowledgment.

6. Conflict with Collective Security Norms

- **UN obligations:** Membership in the United Nations obliges states to participate in collective measures to maintain international peace and security, including sanctions and peacekeeping missions.
    - Permanent neutrality may conflict with these obligations, making organizations reluctant to endorse it.
- **Regional alliances:** Organizations like NATO and the EU prioritize collective security and mutual defense, which can clash with neutrality principles.

7. Risk of Precedent

- Recognizing one state's permanent neutrality might set a precedent that encourages other states to seek neutrality, potentially weakening international alliances and security arrangements.
- States and organizations may fear that neutrality claims could proliferate in unstable regions, reducing collective capacity to respond to conflicts.

8. Lack of Mutual Benefit

- Recognition of neutrality often offers limited tangible benefits to third states or international organizations:
    - For organizations with security mandates, recognizing neutrality may reduce the number of states available for cooperative defense or intervention efforts.
    - For states, endorsing neutrality may limit strategic partnerships or influence over the neutral state.

9. Historical and Political Bias

- The perception of neutrality is often shaped by historical and political contexts:
    - States with historical ties to belligerents or colonial legacies may find it difficult to establish neutrality credibly.
    - Some neutral states (e.g., Switzerland) enjoy established recognition due to long-standing policies, while others (e.g., Turkmenistan) face skepticism about their motives.

10. No Mechanism for Enforcement

- Without enforcement mechanisms, recognizing permanent neutrality becomes symbolic rather than practical:
    - Third states or organizations cannot guarantee the protection of neutral states if their neutrality is violated.
    - This lack of enforceability undermines the incentive to formalize recognition.

Conclusion

The reluctance of third states and international organizations to recognize the permanent neutrality of a state is rooted in geopolitical interests, legal uncertainties, and practical challenges. To address this reluctance, the international community could:

1. Develop a universal treaty on permanent neutrality, outlining clear principles, rights, and obligations.
2. Establish a formal recognition process to ensure consistency and legitimacy.
3. Clarify how neutrality interacts with obligations under the UN Charter and other international agreements.
4. Create mechanisms to monitor and enforce the neutrality of recognized states, ensuring compliance and protection.

By addressing these gaps, recognition of permanent neutrality could become a more reliable and respected aspect of international law and diplomacy.

Chapter 7

Consequences of Neutrality

7-1 Before Entering a State of Neutrality

7-11 Pre-Effects of Permanent Neutrality

The pre-effects of permanent neutrality—the adjustments and costs a state must undertake before fully becoming neutral—can be a significant burden. The extent of this burden depends on security needs, economic dependencies, diplomatic position, and internal political stability. Below is a breakdown of the key burdens a state faces before achieving neutrality.

1. Military and Security Adjustments

Burden:

- **Self-Defense Requirements:** A state must either build a strong defense system (like Switzerland) or develop alternative security strategies (like Austria). This can be expensive.
- **No Military Alliances:** A neutral state cannot rely on collective defense agreements (e.g., NATO or regional military alliances), meaning it must fund its own defense infrastructure.
- **Potential Security Gaps:** If neutrality is declared without sufficient military deterrence, the country may become a target (e.g., Belgium's neutrality in WWII was violated).

Is the burden too big?

- High for states in conflict-prone regions (e.g., Ukraine before 2014, Finland before NATO).
- Manageable if the country is geographically secure or economically strong (e.g., Switzerland).

2. Diplomatic Recognition and International Pressure

Burden:

- **Legal Recognition:** A state must secure international acceptance of its neutrality, which can be a long diplomatic process.
- **Pressure from Global Powers:** Some major powers may not respect neutrality, leading to diplomatic coercion or economic sanctions (e.g., Switzerland during WWII had to navigate economic pressure from both Axis and Allied powers).
- **Geopolitical Balancing:** If a country is transitioning to neutrality after being part of an alliance (e.g., Sweden and Finland before NATO), it might face security threats during the transition period.

Is the burden too big?

- High if the country is caught between competing powers (e.g., Cold War Austria).
- Manageable if the country has strong diplomatic ties and global credibility (e.g., Ireland).

3. Economic and Trade Implications

Burden:

- **Loss of Military Alliances' Economic Benefits:** Countries in military alliances often receive defense subsidies, trade advantages, and investment deals that may be lost after neutrality.
- **Independent Defense Spending:** Without external military aid, a state must fund its own military or security systems, diverting resources from other sectors.
- **Sanctions and Restrictions:** A neutral state may struggle to navigate global sanctions—some countries might demand it takes sides in economic conflicts (e.g., Switzerland had to shift neutrality policies due to EU sanctions on Russia in 2022).

Is the burden too big?

- High if the economy depends on military-industrial partnerships (e.g., Finland before NATO).
- Manageable if the country is financially independent or has a diversified economy (e.g., Switzerland).

4. Internal Political and Social Costs

Burden:

- **Public Resistance & Political Debate:** Transitioning to neutrality often sparks internal political disagreements—some groups may favor military alliances for security, while others push for neutrality (e.g., Sweden before joining NATO in 2023).
- **Need for Constitutional or Legal Changes:** Some states must rewrite laws to enshrine neutrality, which can take years of legal and political negotiations.
- **Impact on National Identity:** If a country has historically been part of an alliance, neutrality may require redefining its national security doctrine and defense policies.

Is the burden too big?

- High in states where military alliances are historically embedded (e.g., Sweden before NATO).
- Manageable if neutrality aligns with public sentiment and historical policy (e.g., Austria after WWII).

Conclusion: Is the Pre-Effect Burden of Neutrality Too Big?

- Neutrality is a manageable burden if:

- The state has strong economic resources to support independent security policies.
- The state is not in a high-conflict region or directly threatened by major powers.
- The state has diplomatic credibility and recognition from international organizations.

- The burden is too high if:

- The country is transitioning from an alliance in a hostile geopolitical environment.
- The state does not have the financial or military capability to defend itself.
- There is internal political resistance to the shift in policy.

Final Thought:

The pre-effects of neutrality can be a significant burden, especially in terms of military preparation, economic restructuring, and diplomatic recognition. However, if planned strategically, the long-term benefits (stability, sovereignty, and economic flexibility) can outweigh the initial burden.

7-111 Switzerland and Austria

Switzerland vs. Austria: The Pre-Effect Burden of Permanent Neutrality

Both Switzerland and Austria transitioned into permanent neutrality, but the burden of achieving it was different for each country. This analysis looks at their military, diplomatic, economic, and political costs before they became neutral and evaluates whether the burden was too big.

1. Switzerland: A Long-Term Investment in Neutrality

Pre-Effect Burdens Before Achieving Neutrality

- Military and Security Adjustments (High Burden, But Effective)

- **Self-Sufficient Defense:** Switzerland had to invest in a highly independent and well-trained military to maintain credible deterrence.
- **Compulsory Military Service:** Every male citizen was (and still is) required to serve in the army, ensuring a large reserve force at all times.
- **Defensive Infrastructure:** Switzerland spent decades fortifying its mountains, roads, and tunnels to prepare for possible invasions (e.g., secret bunkers, military airbases built into mountains).
- **Cost:** Very high, but justified by long-term security stability.

- Diplomatic Recognition (Long Process but Successful)

- **1815 Congress of Vienna:** Switzerland had to secure formal recognition from European powers that its neutrality would be respected.
- **World War I & II:** Switzerland had to continuously reaffirm its neutrality, making difficult political and economic compromises to maintain its status.

- Economic Adaptation (Early Challenges, Long-Term Success)

- **Banking and Trade Policies:** Switzerland had to shift its economic focus toward financial services, trade neutrality, and technological innovation to sustain its economy while avoiding military alliances.
- **WWII Pressure:** Switzerland faced intense pressure from both Axis and Allied powers to take sides, creating an economic and diplomatic challenge.

- Political and Social Adjustments (Smooth but Strict)

- **Strong Internal Consensus:** Swiss neutrality was widely accepted, making the transition easier.
- **Strict Laws to Protect Neutrality:** Switzerland made it illegal to join foreign armies and implemented strict restrictions on military exports to maintain credibility.

Was the Burden Too High?

- The burden was high, but Switzerland had the economic strength and military discipline to sustain it.
- The country heavily invested in defense, but this made neutrality a long-term success.

2. Austria: A Forced Neutrality with External Influence

Pre-Effect Burdens Before Achieving Neutrality

- Military and Security Adjustments (Lower Burden but Weaker Defense)

- **Not Austria's Choice:** Unlike Switzerland, Austria was forced into neutrality as part of the 1955 Austrian State Treaty, which ended the Allied occupation of Austria after WWII.
- **Limited Defense Capacity:** Austria had to maintain neutrality without heavily militarizing, as the Soviet Union and Western Allies imposed restrictions.
- **Reliance on Diplomatic Stability:** Austria could not afford Switzerland's level of military investment, making it more dependent on European stability.
- **Cost:** Lower than Switzerland but left Austria with a weaker self-defense capability.

- Diplomatic Recognition (Fast but Constrained)

- **Cold War Pressures:** Austria had to reassure both NATO and the Soviet Union that it would not join either side.
- **Neutrality Law in Constitution:** Austria had to formally adopt neutrality into its constitution to guarantee its non-alignment.

- **Western Influence:** Despite neutrality, Austria developed close economic and cultural ties with Western Europe.

- Economic Adaptation (Lower Initial Costs but Future Challenges)

- **Easier than Switzerland:** Austria could still engage in European trade and financial systems without as many restrictions as Switzerland.
- **EU Membership Complications:** In 1995, Austria joined the European Union, making its neutrality more flexible but also more complicated since the EU has security policies that indirectly affect Austria's neutrality.
- **Cost:** Lower initial burden but ongoing diplomatic challenges.

- Political and Social Adjustments (Divided Opinions)

- **Less Internal Consensus:** Some Austrians viewed neutrality as a Soviet-imposed necessity rather than a national choice.
- **Future NATO Debates:** In recent years, Austria has debated whether neutrality still serves its interests, especially as neighboring countries (Finland, Sweden) have joined NATO.

Was the Burden Too High?

- Lower than Switzerland's burden, but Austria sacrificed military strength and long-term independence.

- Austria's neutrality was not self-imposed and was shaped by Cold War pressures, making it less stable over time compared to Switzerland.

Comparison: Switzerland vs. Austria Before Neutrality

Factor	Switzerland	Austria
How Neutrality Was Achieved	Self-imposed (1815)	Forced (1955, after WWII)
Military Preparation	High investment, self-sufficient	Low investment, relies on diplomacy
Defense Strategy	Strong military, fortified infrastructure	Limited military, dependent on diplomacy
Diplomatic Recognition	Long negotiations, confirmed in 1815	Quickly accepted but under Cold War influence
Economic Challenges	Initially difficult (WWII pressures), later highly successful	Easier start but faced EU-neutrality conflicts later
Political and Social Costs	High commitment, widely accepted	Some internal divisions, occasional NATO debates

Factor	Switzerland	Austria
Pre-Effect Burden	**High, but justified by long-term success**	**Lower, but led to weaker neutrality**

Final Verdict: Was the Pre-Effect Burden Too Big?

Switzerland:

- Yes, the burden was high, but it was an intentional and well-executed strategy that led to long-term security, economic stability, and diplomatic credibility.

-The cost was justified because Switzerland built the strongest neutral model in the world.

Austria:

- No, the burden was not as high because neutrality was externally imposed rather than self-imposed.

- However, Austria's neutrality is less stable because it relies more on diplomacy than military deterrence.

Which Model is More Sustainable?

- Switzerland’s model is more sustainable because it is fully independent, militarily strong, and economically self-sufficient.
- Austria’s neutrality is weaker because it is tied to European politics and has lower military capabilities.

7-112 Pre-Effects vs Preliminary Effects

I. Pre-Effects of Permanent Neutrality

Definition:

These are the conditions, motivations, and pressures that occur before a country adopts permanent neutrality. They influence the decision and create the context in which neutrality becomes a viable or necessary option.

1. Geopolitical Pressure or Conflict

- A country might be situated between rival powers or in a conflict-prone region.
- To avoid being drawn into wars or occupations, neutrality becomes attractive.

Example:

- **Austria** was occupied by Allied powers after WWII and risked becoming a Cold War battleground between NATO and the Soviet Union.
- **Switzerland**, post-Napoleonic Wars, was surrounded by powerful European empires—neutrality offered survival.

2. Historical Vulnerability or War Fatigue

- Nations that experienced devastating wars or occupations might pursue neutrality as a shield.
- Societies become wary of alliances or ideological entanglements.

Example:

- **Austria** had been part of Nazi Germany and suffered defeat; neutrality was a way to reinvent its identity and regain sovereignty.
- **Switzerland**, tired of entanglement in continental warfare, sought a buffer role after the Napoleonic Wars.

3. Negotiated International Agreements

- Sometimes neutrality is the result of diplomatic negotiations (often post-war settlements or treaties).

Example:

- **Austria's 1955 neutrality** was negotiated as part of the Austrian State Treaty—a condition for ending Allied occupation.
- **Switzerland's neutrality** was enshrined at the Congress of Vienna (1815), with recognition from major powers.

4. Domestic Political Consensus or Pressure

- Political parties, elites, or the public may push for neutrality to avoid foreign entanglements and maintain sovereignty.

Example:

- In both **Austria** and **Switzerland**, neutrality was seen as a unifying force in politically divided societies.

5. Desire for International Legitimacy

- Nations recovering from war or occupation may adopt neutrality to re-enter the international system as peaceful actors.

II. Preliminary Effects of Permanent Neutrality

Definition:
These are the early or immediate impacts after the declaration or recognition of permanent neutrality. They reflect how a country adjusts its institutions, policies, and identity to align with its new status.

1. Diplomatic Realignment

- The country must reposition its foreign policy to reflect non-alignment.
- It often seeks international recognition and reassurance of its neutral status.

Example:

- **Austria** signed the 1955 State Treaty and immediately declared neutrality, leading to its exclusion from NATO and early European integration.
- **Switzerland** reinforced neutrality post-WWII by joining the UN late (2002), but positioned itself as a host of international diplomacy.

2. Security and Military Restructuring

- Neutrality doesn't mean disarmament. Instead, countries often build strong defensive-only forces.
- Doctrine shifts to deterrence, not intervention.

Example:

- **Switzerland** developed "armed neutrality" with a highly trained militia system and mountain defenses.
- **Austria** established a non-aggressive military, committed to defending its neutrality.

3. Economic Transition or Adjustment

- The country may lose access to military alliances or economic benefits tied to blocs (e.g., NATO, EU in early years).
- Trade policies may be revised to reflect non-partisanship.

Example:

- Austria's economy initially lagged due to exclusion from Marshall Plan advantages tied to bloc membership.
- Switzerland positioned itself early as a neutral financial hub, leading to a banking boom.

4. Legal and Constitutional Reforms

- Neutrality often becomes embedded in national law or the constitution.

Example:

- Austria added its neutrality to the Federal Constitutional Law in 1955.
- Switzerland integrated neutrality into its foreign policy framework and defense planning.

5. National Identity Formation

- Neutrality becomes part of national self-image—especially important for post-war states.

Example:

- Austria distanced itself from its Nazi past by promoting neutrality as a “third way.”
- Switzerland reinforced its image as a peace-seeking, independent, and humanitarian state.

6. Testing and Scrutiny from Other Powers

- Other countries observe to see if neutrality is genuine or opportunistic.
- The country may face pressure from blocs or neighbors.

Example:

- During the Cold War, Austria was viewed suspiciously by both NATO and the Warsaw Pact until it proved its reliability.
- Switzerland was criticized during WWII for continued trade with Axis powers but defended its neutral status vigorously.

Comparative Table: Pre-Effects vs Preliminary Effects

Aspect	Pre-Effects	Preliminary Effects
Timing	Before neutrality is declared	After neutrality is declared
Nature	Causes and motivations	Early consequences and changes
Focus	Why neutrality is chosen	How neutrality begins to function
Examples	Geopolitical pressure, treaty obligations, war fatigue	Defense restructuring, diplomatic shifts, economic adjustments
Switzerland	Pressure after Napoleonic Wars	Built armed neutrality, hosted global diplomacy
Austria	Cold War occupation, State Treaty	Created new military, aligned economy for neutrality

Final Thoughts

- The pre-effects of neutrality are about strategic necessity—they're shaped by history, war, diplomacy, and geography.
- The preliminary effects are about institutional and national transformation—early adaptation to a new international role.

Both Switzerland and Austria experienced burdens and benefits in these phases. But over time, both countries turned neutrality into a core strength, giving them:

- Security without entanglement,
- Diplomatic credibility,
- Economic advantages,
- And stable national identities.

7-12 Pre-Effects of Temporary Neutrality

The Pre-Effects of Temporary Neutrality: How Nations Prepare for Short-Term Non-Alignment

Temporary neutrality—where a country remains neutral in a conflict or political crisis for a limited period before reassessing its stance—has significant pre-effects that shape political, economic, and security strategies before neutrality is officially declared.

Unlike permanent neutrality, which is embedded in a nation's legal framework (e.g., Switzerland, Austria), temporary neutrality is often a strategic decision based on immediate geopolitical, economic, or security concerns.

1. What is Temporary Neutrality?

Definition of Temporary Neutrality

Temporary neutrality refers to a nation's decision to remain neutral in a conflict, political crisis, or international dispute for a limited period before deciding on future engagement.

Key Features:

- Short-term non-alignment—not a permanent stance.
- Strategic evaluation period—used to assess risks and benefits before choosing a side.
- Flexibility to engage later—a country can transition from neutrality to active involvement if necessary.
- Often crisis-driven—arises in response to wars, political conflicts, or economic instability.

Examples of Temporary Neutrality:

- World War I (U.S., 1914–1917) – The U.S. remained neutral for three years before joining the Allies.
- Russia-Ukraine War (India, 2022-Present) – India maintained temporary neutrality, balancing ties between Russia and the West.
- Cold War (Sweden & Finland, Pre-NATO Membership, 1945–2023) – Both countries remained neutral before eventually shifting toward NATO.

2. Pre-Effects of Temporary Neutrality

Before a nation officially declares temporary neutrality, it experiences significant pre-effects in several key areas:

a) Political Pre-Effects: Domestic & Diplomatic Preparation

- Internal Political Debates Increase

- Governments and policymakers weigh the costs and benefits of neutrality, leading to political tensions.
- Example: U.S. (WWI, 1914-1917) – President Woodrow Wilson faced intense domestic debate before ending neutrality.

- Diplomatic Maneuvering Begins

- Nations engage in secret negotiations to ensure that temporary neutrality does not harm future alliances.
- Example: Switzerland (Russia-Ukraine War, 2022-Present) – Engaged in quiet diplomacy with both Russia and Western nations before declaring neutrality.

- Public Opinion Shifts

- Governments monitor citizen sentiment, often launching campaigns to justify neutrality before making it official.
- Example: India (Russia-Ukraine, 2022-Present) – Conducted strategic media discussions to explain its neutral stance to the public.

- Political Risks Before Neutrality:

- Internal divisions—Some political factions may push for neutrality while others demand stronger engagement.
- International pressure—Allied nations may demand a commitment before neutrality is officially announced.

b) Economic Pre-Effects: Trade & Sanctions Risk Management

- Stockpiling Critical Resources

- Countries build reserves of essential goods (food, energy, currency) to prepare for potential economic backlash.

- Example: Switzerland (WWII, 1939-1945) – Stockpiled food and fuel before declaring neutrality.

- Trade Policies Are Quietly Adjusted

- Nations reduce economic dependence on conflicting parties before announcing neutrality.
- Example: Germany (Russia Energy Dependence, 2022-Present) – Shifted its energy policy before deciding on further engagement in sanctions.

- Sanctions & Economic Isolation Risks Are Evaluated

- Governments conduct economic risk assessments to determine the impact of neutrality on trade and investment.
- Example: China (U.S.-Taiwan Relations, 2023-Present) – Balances economic interests with the U.S. while maintaining strategic neutrality in Taiwan disputes.

- Economic Risks Before Neutrality:

- Pre-emptive sanctions—Hostile nations may impose sanctions before neutrality is officially declared.
- Trade route disruptions—Allies may shift supply chains away from neutral nations.

c) Military & Security Pre-Effects: Defensive Readiness Without Engagement

- Defensive Military Build-Up Without Aggression

- Countries increase military readiness in case neutrality is violated while avoiding direct provocation.
- Example: Sweden & Finland (Pre-NATO, 2020-2022) – Strengthened defenses before deciding to join NATO.

- Cybersecurity & Intelligence Enhancements

- Nations harden cyber defenses to prevent external interference before announcing neutrality.
- Example: Estonia (Russia Cyber Threats, 2007-Present) – Strengthened cyber infrastructure before confirming its security stance.

- Covert Military & Intelligence Agreements Are Made

- Example: Switzerland (WWII, 1939-1945) – Maintained hidden military strategies despite neutrality.
- Example: Ireland (Cold War, 1945-Present) – Engaged in intelligence sharing while staying officially neutral.

- Security Risks Before Neutrality:

- Risk of preemptive attacks—Opposing nations may act before neutrality is declared.
- Espionage threats increase—Neutrality makes countries attractive targets for intelligence operations.

3. Challenges & Consequences of Temporary Neutrality

Immediate Risks Before Declaring Neutrality

- Pressure from Allies & Rivals

- Nations expecting support may threaten economic or political consequences if neutrality is chosen.
- Example: Turkey (Russia-NATO, 2022-Present) – Faces pressure from both NATO and Russia over military alignment.

- Economic & Trade Uncertainty

- Nations may experience investment slowdowns, trade restrictions, or financial uncertainty before neutrality is announced.
- Example: Switzerland (Ukraine-Russia, 2022) – Faced political backlash before deciding on limited sanctions.

- Internal Political Unrest

- Temporary neutrality can divide citizens who disagree on whether to remain neutral or take action.
- Example: U.S. (WWII, 1939-1941) – Faced intense domestic opposition before entering the war.

Future Trends: The Evolution of Temporary Neutrality

As global conflicts become more complex, temporary neutrality may become more common for nations trying to balance security, economy, and diplomacy.

What to Expect:

- More flexible neutrality policies—Countries will adopt adaptive neutrality based on short-term security needs.
- Stronger economic preparations—Nations will adjust trade policies before officially announcing neutrality.
- Increased cyber & intelligence security—Governments will enhance digital defenses before declaring neutrality.
- Greater diplomatic secrecy—Pre-negotiations will shape neutral policies before public announcements are made.

Final Prediction: Temporary neutrality will become a major strategy in global politics, allowing nations to reassess conflicts before committing to a long-term stance.

Final Conclusion: The Strategic Role of Temporary Neutrality

- Temporary neutrality is not passive—it requires strategic preparation before being declared.
- Pre-effects include political debates, economic risk management, and military readiness.
- Nations use temporary neutrality to delay decisions, prepare defenses, and navigate international pressure.
- The future of neutrality will be more dynamic, with nations shifting between neutrality and engagement based on short-term geopolitical needs.
- In the modern era, neutrality is no longer absolute—it is a flexible, evolving strategy.

7-13 Emergence of Partial Neutrality
7-131 In Violent Conflicts during Peacetime

Emergence of Partial Neutrality in Violent Conflicts During Peacetime

As global conflicts evolve, the concept of neutrality is no longer as absolute as it once was. Instead of full neutrality—where a state remains completely detached from external wars—many nations are adopting partial neutrality, where they remain non-combatants but still engage in strategic diplomacy, humanitarian efforts, and selective economic measures. This shift is particularly evident in violent conflicts that occur during peacetime, where a country may not be at war itself but is forced to navigate complex political, economic, and security considerations.

1. What Is Partial Neutrality in Peacetime Conflicts?

Definition of Partial Neutrality

Partial neutrality refers to a state's decision to remain non-military in a conflict while selectively engaging in diplomatic, economic, or humanitarian actions.

Unlike full neutrality, partial neutrality allows a country to:

- Condemn aggression without taking direct military action.
- Provide humanitarian aid to affected populations.
- Impose limited economic sanctions while maintaining trade relationships.
- Host peace negotiations without directly supporting a side.
- Participate in cyber defense and intelligence sharing without deploying military forces.

However, partial neutrality also means:

- A country may still be seen as "taking sides" based on its actions.
- It risks economic retaliation from stronger global powers.
- It must navigate internal political divides between those who want full neutrality and those who favor more engagement.

2. Why is Partial Neutrality Emerging?

Global Trends Driving Partial Neutrality

Several factors are pushing nations toward partial rather than full neutrality in modern conflicts:

a) The Complexity of Modern Conflicts

- Wars today are not clear-cut battles between two states but involve proxy conflicts, cyber warfare, and economic sanctions.
- Full neutrality is becoming difficult because conflicts are no longer limited to physical battlefields—they involve trade networks, digital infrastructure, and financial systems.

b) Humanitarian & Legal Pressures

- Countries cannot ignore war crimes and human rights violations without facing backlash from the international community.
- The Geneva Conventions and UN mandates require some level of engagement, making pure neutrality difficult to maintain.

c) Economic Interdependence

- Many nations depend on global supply chains, trade, and energy networks—staying fully neutral in a war could harm their own economy.
- Partial neutrality allows selective economic sanctions while maintaining essential trade relationships.

d) Cyber Warfare and Digital Threats

- Unlike traditional wars, modern conflicts include cyberattacks on infrastructure, finance, and communication systems.
- Even neutral states must defend their digital borders or risk being used as a base for cyberwarfare by other actors.

e) Pressure from Alliances and International Organizations

- Many “neutral” states belong to organizations like the EU, UN, or regional security pacts, which expect them to take some position on global conflicts.
- Example: Switzerland imposed sanctions on Russia in 2022, despite its long-standing neutrality.

Outcome: Pure neutrality is becoming harder to maintain, leading to the rise of partial neutrality as a practical alternative.

3. How Does Partial Neutrality Work in Practice?

Strategic Approaches to Partial Neutrality

Countries adopting partial neutrality use a mix of diplomatic, economic, humanitarian, and defensive strategies to navigate violent conflicts.

a) Selective Economic Engagement

- Example: Switzerland & Austria (Russia-Ukraine War, 2022-Present)
    - Switzerland froze Russian assets but did not send weapons to Ukraine.
    - Austria condemned Russian aggression but maintained energy trade ties with Moscow.
    - Both remained militarily neutral but engaged economically and diplomatically.
- Example: China (Middle East Conflicts)
    - China remains militarily neutral in many conflicts but engages through economic partnerships with both sides.
    - It sells arms to certain nations while simultaneously mediating peace deals.

b) Hosting Peace Talks Without Military Involvement

- Example: Qatar (Taliban-U.S. Peace Negotiations, 2020-2021)
    - Qatar acted as a neutral mediator between the U.S. and the Taliban, facilitating peace talks without deploying military forces.
- Example: Switzerland (Israel-Palestine Ceasefire Efforts)
    - Switzerland has hosted backchannel peace discussions between conflicting states while avoiding direct political alignment.

c) Cyber Defense Without Military Action

- Example: Finland & Sweden (Before NATO Membership, 2022-2023)
    - Before joining NATO, both countries provided cybersecurity and intelligence support to Ukraine but did not engage in direct military combat.
- Example: Estonia (Russian Cyber Threats, 2007 & Beyond)
    - Estonia, while officially neutral in many conflicts, has built one of the strongest cyber defense systems to protect against Russian cyberattacks.

d) Humanitarian Aid & Refugee Protection

- Example: Ireland & Norway (Syria Conflict, 2011-Present)
    - Ireland and Norway have taken in thousands of refugees from war zones but have avoided military involvement.
    - They engage through medical aid, reconstruction, and diplomatic efforts without choosing a military side.

Outcome: Partial neutrality allows countries to engage in global security without becoming military actors.

4. Future of Partial Neutrality in Global Conflicts

a) Will Partial Neutrality Become the Global Norm?

As conflicts become more complex, more nations may shift toward partial neutrality instead of absolute neutrality or full military engagement.

b) Likely Future Trends:

- More "Neutral" States Will Impose Targeted Sanctions

- Countries that were previously fully neutral (e.g., Switzerland, Ireland, Austria) may continue imposing selective economic sanctions while maintaining military non-engagement.

- Increased Focus on Cyber Neutrality & Digital Warfare

- As cyber threats grow, neutral nations will be forced to develop strong cyber defenses while maintaining diplomatic neutrality.

- Greater Role of Neutrality in Humanitarian Diplomacy

- Countries that avoid military action may increase their role in peace talks, reconstruction, and crisis response.

- Neutral States May Face More Pressure from Global Powers

- China, the U.S., and Russia will likely pressure neutral states to align with their economic or security policies, making neutrality harder to maintain.

c) Challenges to Partial Neutrality:

- **Risk of Being Perceived as Biased:** Countries engaging in "neutral" sanctions or diplomacy risk being seen as taking sides.
- **Economic & Political Backlash:** Sanctioning one side while maintaining trade ties with another could lead to **diplomatic retaliation.**
- **Internal Political Divisions:** Some citizens may push for **full neutrality**, while others want **more engagement** in global conflicts.

Final Prediction: Partial neutrality will likely become the dominant model for neutral states in the 21st century, blending diplomatic, economic, and cyber engagement while avoiding direct military action.

Final Conclusion: The New Face of Neutrality

- Full neutrality is becoming harder to sustain in the modern world.
- Partial neutrality offers a way to engage in global conflicts without direct military involvement.

- Neutral states are increasingly using diplomatic, economic, cyber, and humanitarian tools to maintain their security and influence.
- The future of neutrality will depend on how global conflicts evolve—whether they remain economic and digital, or whether they force nations into more defined alliances.
- In the age of hybrid warfare, the definition of neutrality is shifting—and partial neutrality is emerging as the new global reality.

7-132 In Special Political Decisions and Conflicts

The Emergence of Partial Neutrality in Special Political Decisions and Conflicts

In an increasingly interconnected and politically complex world, partial neutrality is emerging as a strategy that allows nations, organizations, and even political entities to engage selectively in special political decisions and conflicts without committing fully to one side. Unlike full neutrality, which demands complete detachment from political affairs, partial neutrality allows actors to participate in diplomatic, economic, or ideological decisions while maintaining strategic non-alignment in key areas.

This approach is particularly relevant in:
- Major geopolitical conflicts where neutrality is difficult but engagement is necessary.
- Special political crises that demand a selective stance on human rights, sovereignty, or governance.
- International governance issues, where countries must balance sovereignty with global responsibilities.

1. Defining Partial Neutrality in Political Conflicts

Partial neutrality in political conflicts refers to a nation’s, organization’s, or leader’s choice to remain non-aligned in some aspects of a political conflict while selectively engaging in others.

This form of neutrality allows for:
- Political mediation and diplomacy without taking full responsibility for outcomes.
- Limited economic sanctions while maintaining political relationships.
- Support for human rights or democratic values without direct military intervention.
- Voting neutrality in international organizations while influencing policies behind the scenes.
- A flexible stance that shifts based on strategic interests without full commitment to a bloc or alliance.

However, partial neutrality also has risks:

- Risk of being perceived as inconsistent or opportunistic.
- Economic or diplomatic retaliation from both sides of a conflict.
- Difficulty maintaining credibility as a neutral actor.

2. Why Partial Neutrality is Emerging in Political Conflicts

Factors Driving the Rise of Partial Neutrality

Several modern trends are pushing states and political entities toward partial rather than full neutrality in political crises and conflicts:

a) Increasing Political Polarization

- Nations, corporations, and global institutions face pressure to take a stance on geopolitical issues (e.g., democracy vs. autocracy, human rights, sovereignty).
- However, full alignment with one side can result in economic losses or security risks.

b) The Decline of Full Neutrality in Global Politics

- Previously neutral states (e.g., Switzerland, Austria) have increasingly taken partial stances on political and security matters while avoiding military commitments.
- The concept of "neutrality" is evolving, allowing for selective engagement.

c) The Expansion of Economic & Digital Warfare

- Political conflicts are no longer just military—they involve economic sanctions, trade wars, and digital disruptions.
- Countries or corporations may engage in political decisions through financial restrictions or technological controls without direct military action.

d) Public Pressure on Governments to Take Stances

- Global movements (e.g., climate change, human rights, sovereignty) force even neutral nations to make selective political decisions.
- Citizens demand stronger positions on issues like democracy, privacy rights, and press freedom while avoiding war.

e) The Role of International Organizations

- Entities like the UN, EU, and ASEAN require members to participate in political decisions while maintaining elements of sovereignty.
- Many nations adopt partial neutrality to balance domestic priorities with global commitments.

Outcome: More nations, businesses, and institutions adopt partial neutrality in political conflicts to balance engagement with self-interest**.**

3. How Partial Neutrality Works in Political Conflicts

Strategies for Partial Neutrality in Global Politics

Countries and political entities use a mix of diplomatic, economic, and strategic policies to maintain partial neutrality while engaging in key political issues.

a) Selective Political Engagement in International Conflicts

- Example: Switzerland (Russia-Ukraine Conflict, 2022-Present)
  - Switzerland broke its historical neutrality by imposing sanctions on Russia but refused to provide military aid to Ukraine.
  - It engaged in diplomatic efforts while avoiding direct military participation.
- Example: Turkey (Russia-NATO Relations, 2022-Present)
  - Turkey remains a NATO member but continues diplomatic and trade ties with Russia.
  - It provides drones to Ukraine but refuses to fully align against Russia.
- Example: India (U.S.-China Rivalry)
  - India balances relations with the U.S. and China, participating in economic alliances with both while avoiding military commitments.

b) Economic & Trade Neutrality While Taking Political Positions

- Example: European Union (China Trade vs. Human Rights Policies)
  - The EU criticizes China's human rights record but continues strong economic ties with Beijing.
  - Partial neutrality allows the EU to pressure China diplomatically while benefiting from trade.
- Example: Germany (Russia-Ukraine War & Energy Policy)
  - Germany supports Ukraine politically but was initially hesitant to cut Russian gas imports due to economic dependence.
  - It gradually shifted toward energy independence while maintaining diplomatic neutrality.

c) Neutral Diplomacy While Allowing Political Influence

- Example: Saudi Arabia (U.S. & China Global Competition)
  - Saudi Arabia maintains historical ties with the U.S. but actively engages in trade and investment deals with China.
  - It remains politically neutral while leveraging economic partnerships for global influence.
- Example: ASEAN Nations (South China Sea Disputes)
  - Many ASEAN nations refuse to align with either China or the U.S. but engage in political negotiations to preserve regional stability.

d) Voting Neutrality in Global Organizations

- Example: India, Brazil, and South Africa (UN Resolutions on Ukraine War)
  - These nations abstained from voting on Russia-related UN resolutions but continued diplomatic pressure against military aggression.
  - They remained politically active while avoiding formal alignment.

-Example: African Union (U.S.-China Rivalry in Africa)

- African nations accept development aid and investment from both the U.S. and China while avoiding full political alignment with either.

Outcome: Partial neutrality allows states to engage politically while maintaining strategic flexibility.

4. Future of Partial Neutrality in Political Conflicts

Will Partial Neutrality Become the New Global Norm?

As global politics become more polarized, full neutrality is becoming harder to sustain.

Likely Future Trends:

- More Nations Will Adopt Selective Political Neutrality
  - Countries will take stronger positions on human rights and democracy while maintaining economic and military neutrality.
- Increased Role of Neutral Mediators
  - Nations like Qatar, Switzerland, and Norway will become key peace negotiators without military involvement.
- Expansion of Economic & Digital Partial Neutrality
  - Neutral states may impose financial or cyber-based sanctions while avoiding military engagement.
- Neutrality Will Be Tested by Superpower Rivalries
  - U.S.-China competition will force neutral states to navigate complex political and economic alignments.
- Challenges to Partial Neutrality:
  - Risk of losing credibility—if a nation selectively engages, it may be seen as biased.
  - Economic risks—countries balancing trade and political neutrality may face retaliation.
  - Internal divisions—political leaders may struggle to maintain partial neutrality under pressure.

Final Prediction: Partial neutrality will become the dominant strategy for global political conflicts, allowing nations to engage selectively without full commitment to a side.

Final Conclusion: The Future of Political Neutrality

- Full neutrality is becoming unsustainable in a politically divided world.
- Partial neutrality offers a way to engage in conflicts while preserving sovereignty.
- Nations, corporations, and institutions will increasingly use strategic partial neutrality in diplomacy, trade, and global governance.

In the modern political era, neutrality is no longer absolute—it is dynamic, flexible, and strategic.

7-2 In the State of Neutrality

7-21 Consequences of Neutrality Largely Undetermined or Disputed

The consequences of a state of neutrality during an armed conflict are often undetermined or disputed due to various geopolitical, legal, and strategic factors. While neutrality aims to ensure non-involvement, its effectiveness and impact are influenced by external perceptions, enforcement mechanisms, and changing global dynamics. Below are the key areas of ambiguity and disputes regarding the consequences of neutrality:

1. Security and Military Consequences

- Potential Benefits:

- Protection from direct military aggression (if neutrality is respected).
- Avoidance of military entanglement and destruction.
- Preservation of sovereign control over military decisions.

- Disputes and Risks:

- Neutrality violations – Belligerents may ignore neutrality, as seen in WWII when Nazi Germany invaded Belgium and the Netherlands.
- Pressure for defensive militarization – The neutral state may still need a strong military to deter threats (e.g., Switzerland’s armed neutrality).
- Asymmetric security risks – Non-involvement does not guarantee safety, especially if warring parties view neutrality as a weakness.

2. Diplomatic Consequences

- Potential Benefits:

- Mediation opportunities – Neutral states can act as peacemakers (e.g., Switzerland hosting diplomatic talks).
- Avoidance of hostile alliances – Neutrality prevents entanglement in long-term geopolitical rivalries.
- Increased credibility – If respected, neutrality enhances a country's global standing as a fair, non-aligned actor.

- Disputes and Risks:

- Uncertain recognition – Some belligerents may reject or challenge neutrality, undermining its credibility.
- Political isolation – Neutral states may face reduced influence in international decision-making (e.g., Austria avoiding NATO membership).
- Accusations of favoritism – Even neutral countries may be accused of tilted neutrality if they trade, provide aid, or enforce selective sanctions.

3. Economic Consequences

- Potential Benefits:

- Trade continuity – Neutrality allows trade with both warring and non-warring nations.
- Protection of infrastructure – Avoiding war damage preserves economic stability.
- Investment attraction – Foreign investors may view a neutral country as a safe haven (e.g., Switzerland's banking sector).

- Disputes and Risks:

- Restricted markets – Some belligerents may impose economic sanctions or demand trade restrictions.
- Dependency on external security – Neutral states might rely on other powers for stability, affecting economic autonomy.
- Moral dilemmas – If neutrality benefits aggressor states, it may invite international condemnation (e.g., Swiss dealings with Nazi Germany).

4. Social and Humanitarian Consequences

- Potential Benefits:

- Civilian safety – Avoiding direct war involvement protects citizens from conscription and mass casualties.
- Humanitarian role – Neutral countries often serve as refuge hubs or providers of aid.
- Social stability – Less risk of internal unrest from war participation.

- Disputes and Risks:

- Refugee burden – Influxes of displaced people may strain national resources (e.g., Sweden during WWII).
- Polarization and internal conflict – Some groups within the country may favor intervention, leading to political strife.
- Moral responsibility challenges – Neutrality may be seen as passive complicity in war crimes (e.g., Red Cross's neutrality debates in the Holocaust).

5. Legal and Institutional Consequences

- Potential Benefits:

- Legal protections under international law – Neutrality is recognized under treaties like the Hague Conventions.
- Ability to shape post-war agreements – Neutral states may be involved in reconstruction diplomacy (e.g., Switzerland and the UN).

- Disputes and Risks:

- Enforcement difficulties – No absolute legal mechanism guarantees that neutrality will be respected.
- Potential legal dilemmas – The definition of neutrality can be interpreted differently, leading to disputes over obligations (e.g., NATO's approach to non-member states).
- Changes in global norms – Over time, the international community may redefine neutrality, making previous agreements obsolete.

Conclusion: The Uncertainty of Neutrality

The consequences of neutrality in armed conflict are not always predictable or universally agreed upon. While neutrality offers security, economic stability, and diplomatic leverage, it also faces legal ambiguities, geopolitical pressures, and moral dilemmas. The ultimate effectiveness of neutrality depends on whether:

- The international community respects it.
- The neutral country effectively enforces its status.
- The conflict’s power dynamics shift in ways that challenge neutrality.

7-22 The Authority Problem

In theory, international law provides mechanisms to determine the rights and obligations of neutral and belligerent states in times of war. However, there is no single, universally "superior" authority with absolute power to enforce these laws. Instead, there are a

combination of treaties, customary international law, and adjudicating bodies that help interpret and apply legal principles.

Key Authorities and Legal Frameworks:

1. **The Hague and Geneva Conventions**
    - The Hague Conventions of 1907 define the rights and duties of neutral states and their responsibilities in relation to belligerents.
    - The Geneva Conventions (1949) and their Additional Protocols regulate the conduct of war, including the treatment of civilians and prisoners, affecting both neutral and belligerent states.
2. **International Court of Justice (ICJ)**
    - As the judicial organ of the United Nations, the ICJ adjudicates disputes between states, including cases concerning neutrality and wartime conduct. However, its jurisdiction depends on state consent.
3. **United Nations (UN)**
    - The UN Security Council can issue resolutions and take action against violations of neutrality or aggression, though political considerations and veto powers often limit its effectiveness.
4. **International Criminal Court (ICC)**
    - The ICC prosecutes individuals for war crimes, crimes against humanity, and genocide. While it does not explicitly determine neutrality disputes, its decisions influence interpretations of international law.
5. **Arbitral Tribunals & Special Courts**
    - Historical tribunals, such as the Permanent Court of Arbitration (PCA) and various special tribunals, have ruled on neutrality cases (e.g., the Alabama Claims Arbitration after the U.S. Civil War).
6. **Customary International Law & Legal Scholars**
    - Many principles of neutrality are established through customary international law and interpreted by legal scholars (e.g., the writings of Hugo Grotius, Emer de Vattel, and the International Law Commission).

Limitations of Authority

- No single entity has absolute jurisdiction to enforce neutrality rules globally.
- Powerful states may ignore or reinterpret legal rulings in their favor.
- Enforcement depends on political will and international consensus.

Thus, while multiple bodies can help determine neutrality rights and obligations, the effectiveness of their authority depends on state recognition and compliance.

7-23 Increasing Restrictions on the Rights of Neutrals

7-231 General

The rights of neutral states have faced increasing restrictions, particularly in the context of modern warfare, economic sanctions, and international security frameworks. Several factors have contributed to this trend:

1. Expanding Interpretations of Neutrality

- Traditional neutrality, as codified in the Hague Conventions of 1907, grants neutral states the right to avoid involvement in armed conflicts while also imposing obligations such as forbidding the use of their territory for military purposes.
- However, modern conflicts involve economic warfare, cyber operations, and hybrid threats, making strict neutrality more difficult to maintain.
- States are increasingly pressured to align with collective security organizations (e.g., NATO, the UN, the EU) rather than remain strictly neutral.

2. United Nations Security Obligations

- The UN Charter (1945) altered the classical concept of neutrality by imposing collective security obligations on all member states.
- Under Chapter VII of the UN Charter, states may be required to impose sanctions, contribute to peacekeeping missions, or even engage in military action against aggressor states, limiting their ability to remain neutral.
- The concept of “neutrality” is challenged when a UN-mandated intervention occurs, as even neutral states may be obligated to comply with sanctions or peacekeeping measures.

3. Economic Sanctions and Globalized Economy

- Economic measures, including sanctions, trade restrictions, and financial embargoes, have eroded the rights of neutral states to trade freely.
- Example: Switzerland, historically neutral, has increasingly aligned with EU and U.S. sanctions (e.g., against Russia) due to economic and political pressures.
- Neutral states may face secondary sanctions if they continue trading with a sanctioned belligerent, forcing them to choose sides in international disputes.

4. Technology, Cyber Warfare, and Neutrality

- Cyber warfare and global digital networks make it harder for neutral states to prevent their infrastructure from being used in conflicts.
- The Tallinn Manual on Cyber Warfare suggests that states may have obligations to prevent belligerents from using their networks for attacks, further restricting neutral status.

5. Pressure from Alliances and Regional Security Arrangements

- The European Union (EU) and NATO have created collective security frameworks that discourage neutrality.
- Previously neutral states (e.g., Sweden and Finland) have reconsidered neutrality due to growing security concerns (such as Russia's actions in Ukraine).
- Military alliances exert diplomatic and economic pressure on neutral states to support common policies.

6. Restrictions Due to Terrorism and Non-State Actors

- Neutrality in modern conflicts is further complicated by terrorist organizations and non-state actors.
- The global war on terror (post-9/11) led to new legal expectations, where neutral states were pressured to deny safe haven, enforce financial restrictions, or even engage in counterterrorism cooperation.

Conclusion: A Declining Concept?

While neutrality remains a legally recognized status under international law, its practical application is shrinking due to:

- International security obligations (UN, NATO, EU)
- Economic interdependence and sanctions
- Cyber warfare and technological control
- Expanded definitions of military and hybrid conflict

As a result, neutral states face increasing restrictions on their ability to remain detached from global conflicts, making classical neutrality more difficult to sustain in the modern era.

7-232 Further Restrictions on Freedom of Trade and Transport

7-232.1 Control of Postal Items

The right of neutral states to immunity for their postal items is traditionally recognized under international law, particularly in times of armed conflict. This principle is primarily based on conventions such as:

1. **The Hague Conventions (1907)** – Establishing rules on neutrality and ensuring that neutral states and their property are not unnecessarily infringed upon.
2. **The Universal Postal Union (UPU) Agreements** – Providing for the protection of international postal services, including the transmission of mail between states.

Erosion of Immunity for Neutral Postal Items

There are concerns that the immunity of postal items belonging to neutral states has been eroding due to modern security considerations and geopolitical shifts. Some contributing factors include:

1. **Counterterrorism and Security Measures:**
    - Governments have increased scrutiny of postal items to prevent smuggling, terrorism financing, and cyber threats.
    - The expansion of surveillance programs and postal inspections for security purposes sometimes compromises neutral immunity.
2. **Sanctions and Economic Pressures:**
    - Certain neutral countries have seen their postal shipments blocked or delayed due to economic sanctions or geopolitical tensions.
    - The risk of postal interception has increased as part of economic warfare, especially in situations where a neutral country interacts with sanctioned entities.
3. **Conflict and Occupation:**
    - In wartime, belligerents may intercept neutral postal shipments under claims of military necessity.
    - Historical precedents exist where neutral mail was seized or censored, such as during the World Wars.
4. **Technological Changes in Communications:**
    - With the rise of electronic communication, the focus has shifted from physical mail to digital surveillance, further complicating the legal landscape.
    - Some neutral nations face cybersecurity threats to their digital correspondence instead of traditional postal interference.

Current Legal and Political Challenges

Despite legal frameworks protecting neutral postal immunity, enforcement has weakened due to shifting security doctrines. Neutral states must often negotiate diplomatic arrangements or legal mechanisms to safeguard their postal communications.

Historical Incidents

1. **World War I: Interception of Neutral Mail**
    - **German Seizures:** In 1916, Germany intercepted mail from neutral countries such as Denmark and the Netherlands. For instance, on February 11, 1916, mail from Denmark was detained, and the ship carrying it was sunk by German forces. Similar incidents occurred with mail from the Netherlands, where auxiliary markings like "PART OF MAIL CAPTURED/BY GERMANS AND DELAYED" were applied to the seized correspondence.
      militaryphs.org
    - **British Interceptions:** The British navy also stopped neutral ships to control their mail, performing personal searches and censoring correspondence. This practice was part of broader wartime censorship efforts.
      encyclopedia.1914-1918-online.net
2. **World War II: Extensive Postal Censorship**
    - During World War II, both Allied and Axis powers implemented widespread postal censorship affecting civilians and military personnel in both belligerent and neutral countries. This global censorship operation was unprecedented in scale.
      archives.gov

7-232.2 Definition of Enemy to Include Members of Neutral States

The erosion of neutral rights, particularly through the extension of the definition of an "enemy" to include members of neutral states, has had significant historical consequences. This shift has often occurred during wartime, where belligerents have expanded their interpretation of "enemy" status to justify actions against individuals, businesses, and property associated with neutral countries.

Historical Incidents and Legal Cases

1. World War I: British and German Restrictions on Neutral States

- The British and Germans both expanded their definitions of enemy status to include trade with or assistance from neutral states.

- **British Blockade of Germany (1914-1919):** Britain imposed a naval blockade that extended to neutral nations suspected of trading with Germany. The blockade restricted mail, commerce, and financial transactions, effectively treating neutral merchants as enemy collaborators.
- **German Unrestricted Submarine Warfare:** Germany considered any ship carrying goods to the Allies a legitimate target, even if it belonged to a neutral country (e.g., the sinking of the Lusitania in 1915, which killed American civilians).

2. U.S. Alien Enemies Acts and Trading with the Enemy Act (1917)

- During World War I, the Trading with the Enemy Act (TWEA) allowed the U.S. government to seize assets belonging to nationals of enemy states—including some individuals and businesses from neutral countries suspected of aiding Germany.
- The U.S. expanded the definition of “enemy” to include American citizens who had business ties with Germany.
- **Legal Case:** *United States v. Chemical Foundation, Inc.* (1926) – The Supreme Court upheld the U.S. government's right to seize patents and trademarks from German-owned businesses, some of which had neutral partners.

3. World War II: U.S. and British Expansion of Enemy Definitions

- **Operation Safehaven (1944-1946):** The U.S. and Britain monitored and froze assets of neutral states (Sweden, Switzerland, Spain, and Portugal) suspected of assisting Nazi Germany. Swiss banks, in particular, were targeted for holding funds from German clients.
- **Legal Case:** *Clark v. Allen (1947)* – The U.S. Supreme Court upheld restrictions on property inheritance from Germans to Americans, reinforcing the extended definition of "enemy" to include even neutral-associated entities.

4. The Cold War: Redefining Neutrality

- The U.S. and Soviet Union pressured neutral countries into taking sides, often labeling neutral individuals or groups as sympathizers of the enemy.
- **McCarthyism and Enemy Associations (1950s):** Americans with business or personal connections in neutral socialist countries were targeted under suspicion of aiding the USSR.
- **Swiss Banking Secrecy and U.S. Pressures (1980s-2000s):** The U.S. expanded financial regulations to include Swiss and other neutral banks under anti-money laundering laws, treating some neutral financial institutions as facilitators of “enemy” activities.

5. Post-9/11 and the War on Terror: Broadening the Definition of Enemy

- **USA PATRIOT Act (2001):** Expanded the definition of an "enemy" to include those providing financial support to organizations labeled as terrorist, even in neutral states.
- **Sanctions on Neutral States:** Countries like Switzerland and Sweden faced U.S. and EU sanctions for hosting entities allegedly connected to terrorism financing.
- **Legal Case:** *Holder v. Humanitarian Law Project (2010)* – The U.S. Supreme Court ruled that providing non-violent aid to organizations designated as terrorist (even if in neutral contexts) was illegal.

Conclusion

The extension of "enemy" definitions to include neutral states or their citizens has been a recurring theme in global conflicts. This erosion of neutral rights has often been justified under security concerns, economic warfare, and strategic necessity, fundamentally altering the role and privileges of neutral states in international law.

7-232.3 Delay in Transport

Eroding of the Rights of Neutrals by Belligerents Due to Unjustified Delays in Transport of Goods and Persons:

I. Introduction

The rights of neutral states during armed conflict are a foundational element of international law and diplomacy. These rights ensure that states not party to a conflict can continue their commercial, humanitarian, and diplomatic activities without undue interference. However, history has shown repeated instances where belligerents have undermined these rights — particularly through unjustified delays in the transport of goods and persons. Such actions carry both legal implications and historical precedents, illustrating a persistent tension between the conduct of war and the protection of neutrality.

II. Legal Aspects

1. Principles of Neutrality in International Law

International law, notably the Hague Conventions of 1907 and customary norms, recognizes the status and rights of neutral states. Key rights include:

- Freedom of navigation and trade
- Protection from arbitrary seizure or detention
- Respect for territorial integrity and sovereign equality

These principles are reinforced by the United Nations Charter, which emphasizes non-intervention and peaceful coexistence.

2. Violations through Unjustified Delays

Belligerent powers frequently impose delays on the movement of goods and persons under the guise of security inspections, contraband control, or blockade enforcement. When such actions lack adequate justification, they may constitute:

- Unlawful interference with commerce
- De facto coercion or economic warfare
- Breach of diplomatic privileges in cases of personnel detention

Legally, these actions can be challenged under international dispute mechanisms, yet enforcement remains limited, especially during high-stakes conflict.

III. Historical Aspects

1. World War I and II Examples

Neutral nations such as the Netherlands, Denmark, Sweden, and the United States (prior to entering WWI) were frequently subjected to intrusive maritime controls and detentions. Notably:

- British naval forces often intercepted neutral vessels suspected of aiding Germany, causing delays and diplomatic protests.
- Germany's policy of unrestricted submarine warfare similarly disregarded neutral shipping, culminating in incidents like the sinking of the *Lusitania*.

2. Cold War and Beyond

During the Cold War, neutral nations were again entangled in the strategic interests of superpowers. Transport of goods, especially to countries under embargo or suspicion, was delayed or blocked entirely.

More recently, in regional conflicts and sanctions regimes, neutral actors have reported similar interference, particularly in humanitarian missions or commercial supply chains, demonstrating the continued relevance of this issue.

IV. Consequences and Implications

1. Economic Disruption

Unjustified delays increase costs, disrupt supply chains, and deter investment, disproportionately harming neutral economies dependent on international trade.

2. Diplomatic Strain

Repeated violations strain relations between neutral and belligerent states and can lead to escalatory measures, including legal claims or alignment shifts.

3. Undermining of Neutrality

When neutral states are consistently treated with suspicion or hostility, the very concept of neutrality is weakened, reducing its utility in maintaining international peace and stability.

V. Conclusion

The erosion of neutral rights through unjustified delays in transport is both a legal violation and a historically persistent tactic of belligerents. While international law offers protections, enforcement is uneven, and history shows that belligerent powers often prioritize military objectives over legal norms. Addressing these challenges requires not only stronger legal mechanisms but also a renewed commitment to respecting neutrality as a principle vital to global order.

7-232.4 Extreme Expansion of Contraband Lists

The expansion of contraband lists by belligerent nations has historically eroded the rights of neutral states, particularly during times of war. By broadening the scope of goods classified as contraband, belligerents have justified the interception and seizure of neutral vessels, thereby impeding neutral trade and compromising international law principles.

Historical Incidents:

1. **World War I:**
    - **British Contraband Policy:** The United Kingdom significantly expanded its contraband list beyond traditional military supplies to include items such as foodstuffs, raw materials, and even cotton. This broad categorization allowed the British Royal Navy to intercept neutral ships suspected of trading with the Central Powers, thereby disrupting neutral commerce. academic.oup.com

2. **World War II:**
    - **Allied Blockade Strategies:** The Allies further extended contraband definitions to encompass a wide array of goods, including those with potential civilian applications. This extensive list enabled the interception of neutral vessels, leading to significant tensions with neutral countries whose economic interests were adversely affected.
      usni.org

Legal Cases:

1. **The *Peterhoff* Case (1866):**
    - **Background:** During the American Civil War, the British ship *Peterhoff* was intercepted by the U.S. Navy while en route to Mexico, suspected of carrying contraband destined for the Confederacy.
    - **Legal Outcome:** The U.S. Supreme Court ruled that goods destined for a neutral port could be seized if intended for transshipment to a belligerent nation. This decision effectively broadened the scope of contraband and set a precedent for future expansions.
      jstor.org

2. **The *Springbok* Case (1863):**
    - **Background:** The British merchant vessel *Springbok* was captured by the U.S. Navy under suspicion of carrying contraband to the Confederate States via the neutral port of Nassau.
    - **Legal Outcome:** The U.S. Supreme Court upheld the seizure, determining that the cargo was intended for the enemy despite the neutral destination. This case reinforced the principle that the intended end-use of goods could determine their contraband status, further eroding neutral rights.

Impact on Neutral Rights:

The extreme expansion of contraband lists has led to:

- **Violation of Neutral Trade:** Neutral nations' commercial activities have been severely restricted, as their goods are more likely to be classified as contraband and seized.
- **Legal Ambiguities:** The broad and often vague definitions of contraband create uncertainties in international law, making it challenging for neutral countries to navigate wartime trade regulations.

- **Diplomatic Strains:** Such expansions have historically led to tensions between neutral and belligerent nations, as neutrals protest the infringement of their rights and the negative impact on their economies.

These historical precedents highlight the delicate balance between military objectives and the preservation of neutral rights, underscoring the need for clear international regulations to prevent the undue erosion of neutrality principles.

7-232.5 Doctrine of Continuous Voyage

The Doctrine of Continuous Voyage (also known as the Doctrine of Continuous Travel) has historically impacted neutral rights by allowing belligerent nations to treat voyages with neutral intermediaries as direct journeys to enemy territories, thereby justifying the interception of neutral vessels.

Historical Context:

- **Origins:** The doctrine emerged during the late 18th and early 19th centuries, particularly in British admiralty courts. It was initially applied to prevent neutral ships from engaging in trade that indirectly supported enemy nations.
- **Application:** Belligerent nations employed the doctrine to intercept neutral vessels en route to neutral ports if the ultimate destination was an enemy territory. This approach effectively expanded the scope of contraband and blockade enforcement, often at the expense of neutral trading rights.

Notable Legal Cases:

1. **The *Springbok* Case (1863):**
    - **Background:** The British merchant vessel *Springbok* was captured by the U.S. Navy during the American Civil War. Although the ship was destined for Nassau, a neutral port in the Bahamas, it was suspected that its cargo was intended for the Confederate States.
    - **Outcome:** The U.S. Supreme Court upheld the seizure, ruling that the voyage was a continuous journey to a belligerent destination, thus applying the Doctrine of Continuous Voyage. This decision underscored the erosion of neutral rights, as it permitted the interception of neutral ships based on the suspected final destination of their cargo.

2. **The *Peterhoff* Case (1866):**
    - **Background:** The *Peterhoff*, a British ship, was intercepted by the U.S. Navy while sailing towards Matamoros, a Mexican port near the Confederate border. The U.S. suspected that the cargo was intended for Confederate forces.
    - **Outcome:** The U.S. Supreme Court condemned the cargo, emphasizing that even if a neutral port was the immediate destination, the voyage could be considered continuous to enemy territory if evidence suggested such intent. This case further illustrated the application of the doctrine to curtail neutral trade.

Impact on Neutral Rights:

The Doctrine of Continuous Voyage has been a significant factor in the erosion of neutral rights, as it allows belligerents to:

- **Interdict Neutral Commerce:** By treating voyages with neutral intermediaries as direct trips to enemy ports, belligerents can intercept and seize neutral vessels, disrupting legitimate trade.
- **Expand Contraband Definitions:** The doctrine enables the classification of a broader range of goods as contraband, further limiting neutral trade opportunities.
- **Enforce Blockades Beyond Immediate Areas:** It permits the extension of blockades to include neutral ports, provided there is an intention to transship goods to enemy territories.

These applications of the doctrine have led to significant tensions between neutral and belligerent nations, as neutrals often view such practices as overreaches that infringe upon their sovereign rights and economic interests.

7-232.6 Rationing of Imports into Neutral Countries

During times of war, belligerent nations have implemented strategies that effectively erode the rights of neutral countries by imposing restrictions on their imports. One such method involves the rationing of imports into neutral nations to prevent the re-export of goods to enemy states.

Historical Context:

- **World War II:** To prevent neutral countries from supplying Germany, the Allies subjected these nations' imports to compulsory rationing schemes. This approach

ensured that neutrals could import only limited quantities of certain goods, thereby reducing the risk of those items being redirected to Germany.
archives.gov

Impact on Neutral Rights:

- **Economic Sovereignty:** Such rationing policies infringed upon the economic independence of neutral countries, limiting their ability to engage in free trade.
- **Diplomatic Tensions:** The imposition of import restrictions led to strained relations between neutral nations and belligerent powers, as neutrals perceived these measures as violations of their rights.
- **Supply Shortages:** Rationing often resulted in shortages of essential goods within neutral countries, affecting their civilian populations and economies.

These historical instances highlight the challenges neutral countries face in maintaining their rights and economic stability amid global conflicts.

7-232.7 Navicerts, Aircerts, Landcerts, Mailcerts

During times of conflict, belligerent nations have implemented various certification systems—such as Navicerts, Aircerts, Landcerts, and Mailcerts—to regulate and monitor the movement of goods and communications. While these measures are often justified on security grounds, they can lead to the erosion of neutral rights by imposing restrictions and delays on neutral parties.

Navicerts (Naval Certificates):

- **Purpose:** Issued by naval authorities, Navicerts are documents that certify a vessel's cargo and destination, aiming to prevent the transport of contraband to enemy territories.
- **Impact on Neutral Rights:** Neutral vessels may be compelled to obtain Navicerts to avoid interception or seizure by belligerent navies. This requirement can infringe upon the freedom of navigation and subject neutral shipping to scrutiny and delays.

Aircerts (Air Certificates):

- **Purpose:** Similar to Navicerts, Aircerts are issued for aircraft, certifying that their cargo and flight plans comply with regulations designed to prevent assistance to enemy forces.

- **Impact on Neutral Rights:** Neutral airlines and cargo operators may face mandatory inspections and certification processes, leading to operational delays and potential violations of their right to free transit.

Landcerts (Land Certificates):

- **Purpose:** Applied to land transportation, Landcerts certify that goods transported via road or rail are not destined for enemy use.
- **Impact on Neutral Rights:** Neutral countries' overland trade can be disrupted by the imposition of Landcert requirements, affecting their economic sovereignty and leading to delays in the movement of goods.

Mailcerts (Mail Certificates):

- **Purpose:** Mailcerts pertain to postal services, certifying that mail items do not contain contraband or sensitive information that could aid enemy forces.
- **Impact on Neutral Rights:** The inspection and certification of mail can infringe upon the privacy of correspondence and delay communication, affecting both individuals and businesses in neutral countries.

Historical Context:

While specific instances of these certification systems may vary, the overarching impact on neutral rights includes:

- **Delays and Economic Impact:** The certification processes can cause significant delays in transportation and communication, leading to economic losses for neutral parties.
- **Sovereignty Infringements:** Mandatory certifications imposed by belligerent nations can be viewed as violations of the sovereignty of neutral states, as they subject neutral entities to foreign control measures.
- **Legal and Diplomatic Challenges:** The imposition of such certifications can lead to legal disputes and diplomatic tensions between neutral and belligerent nations, as neutrals may contest the legitimacy of these measures under international law.

These certification systems illustrate the complex balance between security measures during wartime and the preservation of neutral rights, often leading to significant challenges for neutral parties seeking to maintain their impartiality and economic interests.

7-232.8 Extreme Treatment of Neutral Ships Before and After Seizure

The treatment of neutral ships during times of conflict has often led to the erosion of neutral rights, particularly through excessive measures taken before and after the seizure of such

vessels. These actions not only disrupt neutral commerce but also challenge the principles of international maritime law.

Historical Incidents:

1. **World War I: British Seizures of American Cargoes**
    - Incident: The British Royal Navy frequently seized and detained American cargoes destined for neutral European ports, suspecting that they were ultimately intended for enemy nations. This led to significant disruptions in American foreign trade.
      history.state.gov
    - Impact: These actions strained diplomatic relations between the United States and the United Kingdom, as the U.S. government protested against what it viewed as violations of neutral trading rights.
2. **The Essex Decision (1805):**
    - Incident: The British High Court of Admiralty ruled that the American merchant vessel *Essex* violated the Rule of 1756 by engaging in trade between French colonies and France, which was prohibited during peacetime. This decision led to increased British seizures of American ships.
      en.wikipedia.org
    - Impact: The ruling contributed to rising tensions between the United States and Great Britain, eventually leading to the War of 1812.

Legal Framework and Excessive Treatment:

International law, including the San Remo Manual on International Law Applicable to Armed Conflicts at Sea, outlines the conditions under which belligerent nations may intercept, search, and seize neutral vessels. However, excessive treatment—such as unwarranted delays, harsh handling of crew, or unjustified confiscation of cargo—violates these legal frameworks and undermines neutral rights.

For instance, the San Remo Manual permits the capture of neutral merchant vessels outside neutral waters if they are engaged in activities such as carrying contraband or breaching a blockade. However, the manual also emphasizes that the use of force must be necessary and proportionate, and that neutral vessels should not be subject to unnecessary harassment or abuse.
en.wikipedia.org

Contemporary Concerns:

In recent years, actions by state actors have raised concerns about the erosion of neutral rights. For example, China's coastguard has been reported to engage in aggressive tactics, such as ramming and boarding vessels from neighboring countries, under the guise of "rights protection law enforcement." These actions challenge international maritime law and threaten the rights of neutral parties.

ft.com

Conclusion:

The excessive treatment of neutral ships before and after seizure not only disrupts international commerce but also undermines the legal principles designed to protect neutral rights. It is essential for the international community to uphold and enforce maritime laws that safeguard the interests of neutral parties during conflicts.

7-232.9 Sea Blockades (Long-Distance Blockades, Restricted Areas)

Sea blockades, particularly those involving long-distance enforcement and the designation of restricted areas, have historically led to the erosion of neutral rights. By extending the reach and scope of blockades, belligerent nations have impeded neutral commerce and challenged established principles of international maritime law.

Long-Distance Blockades:

Traditional blockades require a belligerent to station naval forces close to an enemy's coast to prevent ingress and egress. However, long-distance blockades extend this enforcement far from the enemy's shores, often into international waters, thereby affecting neutral vessels operating in these areas.

- **World War I: British Blockade of Germany**
  The United Kingdom implemented a distant blockade against Germany, patrolling extensive areas of the North Sea and beyond. This strategy aimed to intercept goods bound for Germany, including those transported by neutral ships. The blockade's expansive reach led to significant disruptions in neutral trade and raised legal and ethical questions regarding the balance between military objectives and neutral rights.
  academic.oup.com

Restricted Areas:

Belligerent nations have declared vast maritime zones as restricted areas, prohibiting access to both enemy and neutral vessels. Such declarations can severely limit neutral shipping routes and economic activities.

- **World War I: North Sea Military Area**
  In 1914, Britain declared the North Sea a "military area," advising neutral vessels to navigate specific routes to avoid mines and naval operations. While ostensibly for safety, this effectively forced neutral ships into controlled paths where they were subject to inspection and potential seizure, thereby infringing upon their rights to free navigation.
  en.wikipedia.org

Legal and Ethical Implications:

The expansion of blockade practices through long-distance enforcement and the establishment of restricted areas has led to:

- **Violation of Neutral Trade Rights:** Neutral merchants face increased risks of interception and confiscation of goods, even when not directly trading with belligerent nations.
- **Economic Disruption:** Neutral economies suffer due to interrupted trade routes and the loss of goods, leading to financial instability.
- **Legal Controversies:** Such practices often contravene established international laws governing neutrality and freedom of the seas, leading to disputes and calls for legal redress.

These historical instances underscore the tension between military strategies and the preservation of neutral rights, highlighting the need for clear international regulations to prevent the undue erosion of neutrality principles.

7-233 Violation of Neutral Territory

7-233.1 Operations of Control Authorities on Neutral Soil

During World War I and World War II, the British government established a system of Navicerts (Navigation Certificates) and similar certificates for other modes of transport—Aircerts, Landcerts, and Mailcerts—to regulate and control the movement of goods and information, ensuring that neutral trade did not benefit enemy nations.

1. Issuing Authorities and Locations

The process of issuing these certificates involved British embassies, consulates, and special authorities on neutral soil. The specific locations and entities included:

- **British Embassies and Consulates in Neutral Countries**
    - These were key locations for processing Navicerts and other certificates.
    - Countries like Sweden, Switzerland, Spain, Portugal, the United States, Argentina, and the Netherlands played crucial roles as neutral trading hubs.
- **Navicert Offices (Trade Delegations or Blockade Authorities)**
    - Special offices were set up in some neutral ports or capitals to facilitate the issuance and verification of Navicerts.
    - Example: The British Economic Warfare Department, which worked through consular channels to regulate trade.
- **Naval and Customs Authorities in British-Controlled Ports**
    - Ships without a Navicert could be subjected to rigorous inspections at British-controlled ports.

2. Procedure for Issuance and Verification

Each certificate had its own specific procedure but generally followed a strictly regulated approval process.

A. Navicerts (For Ships and Cargo)

Issued for neutral shipping to ensure the cargo was not contraband and would not reach enemy hands.

- **Step 1: Application**
    - The shipowner, exporter, or neutral government representative applied at the British consulate or embassy.
    - The application included a manifest listing the cargo, destination, and proof of the non-enemy nature of the consignee.
- **Step 2: Review by British Authorities**
    - The British Ministry of Economic Warfare reviewed applications.
    - If required, neutral governments (e.g., Sweden, Switzerland) provided assurances.
- **Step 3: Issuance of the Navicert**
    - If approved, a Navicert was issued, effectively acting as a pre-clearance certificate.
    - Ships with a Navicert were less likely to be stopped by the British Royal Navy.

- **Step 4: Final Verification at Sea**
    - Even with a Navicert, British naval forces might stop and inspect ships at sea.
    - If discrepancies were found, the ship could be detained or diverted to a British port for further investigation.

B. Aircerts (For Air Cargo and Passengers)

- Functioned similarly to Navicerts but were required for air shipments from neutral countries.
- Issued by British consulates and embassies in neutral locations.
- Applied mainly to strategic goods like industrial materials, medicines, and communications equipment.

C. Landcerts (For Rail and Truck Cargo)

- Used for shipments traveling overland from neutral territories to Allied or Axis-controlled regions.
- Often required for trains crossing Switzerland, Spain, or Portugal.
- British consular offices worked with railway authorities and customs to enforce compliance.

D. Mailcerts (For Postal and Communication Security)

- Required for international mail and telegrams sent through neutral countries.
- Aimed at preventing intelligence leaks, coded messages, and economic warfare tactics.
- British embassies and consular offices handled approvals.

Key Purpose and Impact

- The system allowed Britain to control neutral trade without resorting to full naval blockades, which might have provoked diplomatic incidents.
- Navicerts and related certificates made it easier for neutral traders to avoid British interference while discouraging trade with Axis powers.
- They served as a tool of economic warfare, cutting off supplies to Germany and its allies.

7-233.2 Seizure of Enemy Assets in Neutral States

Throughout history, neutral states have often found themselves caught between warring nations that seek to restrict their enemies' access to resources, trade, and financial assets. One of the most significant ways in which the rights of neutral states have been eroded is

through the seizure of enemy assets within neutral territories. This practice has occurred during both World Wars and beyond, as belligerents sought to control economic flows, restrict trade, and weaken enemy financial networks.

1. Historical Context: Legal Principles of Neutrality

A. The Rights of Neutral States

Under international law, neutral states are supposed to have the right to:

- Conduct trade freely with all belligerents, as long as they do not engage in arms sales or contraband trade.
- Maintain financial and economic independence without being forced to seize foreign assets.
- Prevent their territory from being used as a base of military or economic operations.

The Hague Conventions (1899, 1907) and later the Geneva Conventions affirmed these principles, declaring that belligerents should not violate neutral sovereignty. However, these principles were often disregarded in practice.

B. Justifications for Seizing Enemy Assets

Despite legal protections, belligerents have frequently pressured neutral countries to seize enemy assets for several reasons:

1. Economic Warfare: Preventing enemies from accessing financial or material resources.
2. Blockades and Trade Restrictions: Controlling shipping, banking, and trade.
3. Strategic Interests: Ensuring that neutral economies do not indirectly benefit an enemy state.
4. Diplomatic Pressure: Forcing neutrals to align with one side by controlling their financial networks.

2. Notable Examples of Asset Seizure in Neutral Countries

The following examples illustrate how neutral rights were undermined when belligerents seized enemy assets.

A. World War I: British and German Economic Pressures

- British Seizure of German Assets in Neutral Countries

- Britain used its naval superiority to blockade neutral ports and pressure countries like the Netherlands, Denmark, Sweden, and Switzerland to restrict trade with Germany.
- Britain seized German-owned goods, ships, and financial assets held in British-controlled banks and in neutral financial institutions under British influence.

- Dutch and Scandinavian companies were forced to re-route their trade to favor the Allies or risk asset freezes.

- German Retaliation

- Germany used submarine warfare and economic retaliation to discourage neutrals from complying with British demands.
- German-controlled businesses in South America, the Middle East, and the United States saw their assets targeted by British and Allied forces.

B. World War II: Large-Scale Freezing and Confiscation of Enemy Assets

- British and U.S. Freezing of Axis Assets in Neutral Countries

- Switzerland, Sweden, Portugal, and Spain were pressured to freeze Axis financial assets, particularly gold, industrial funds, and banking reserves.
- The United States enacted the Trading with the Enemy Act (1939), which froze assets belonging to Germany, Italy, and Japan in American banks.
- British and American diplomatic efforts forced neutral banks to disclose German and Italian holdings, leading to financial restrictions.

- Swiss and Swedish Financial Complicity

- Switzerland's banking system was a key holder of German financial reserves.
- Under pressure from the Allies, Switzerland froze Nazi accounts while simultaneously handling secret transactions with Germany.
- Sweden, which remained neutral but traded with both sides, was forced to restrict German access to Swedish resources (iron ore, ball bearings, etc.).

- Nazi Seizure of Allied Assets in Occupied Neutral States

- When Germany invaded neutral countries like Denmark, Norway, and the Netherlands, they seized Allied assets, including bank reserves, gold, and corporate holdings.
- The Vichy government in France also complied with German asset seizures, affecting neutral banks with foreign deposits.

C. Cold War and Post-War Period: U.S. and Soviet Freezing of Assets

- U.S. Seizure of Communist and Hostile State Assets

- During the Cold War, the United States and its allies froze Soviet and Chinese assets to prevent them from accessing Western financial systems.
- Cuba (after 1959), North Korea, and Iran (after 1979) also faced asset freezes by Western powers.

- Soviet Seizures in Eastern Europe

- The Soviet Union nationalized foreign businesses and assets in occupied Eastern Europe after World War II, violating prior agreements.
- Neutral countries with financial or industrial interests in Eastern Europe saw their holdings confiscated.

3. Consequences of Neutral Rights Erosion

A. Diplomatic and Economic Consequences

- Loss of Trust in Neutrality: Neutral countries saw their economic independence compromised.
- Shift in Global Finance: Many countries moved gold reserves and banking operations to safer territories to avoid confiscation.
- Increased Compliance with Belligerents: Many neutral states chose to comply with the dominant power (Britain, the U.S., or Germany) to safeguard their financial interests.

B. Evolution of International Law

- Post-war agreements, including the Bretton Woods System (1944) and the United Nations Charter, aimed to prevent economic coercion against neutrals.
- However, asset freezes and economic sanctions remain common tools of economic warfare, as seen in recent sanctions against Russia, Iran, and Venezuela.

4. Modern Parallels: Economic Warfare Today

- Sanctions and Asset Freezes: The U.S., EU, and other global powers freeze assets of adversarial states (e.g., Russia after 2022, Iranian assets frozen after 1979).
- Pressure on Neutral Financial Institutions: Countries like Switzerland still face pressure to comply with global financial restrictions.
- Digital Economic Warfare: Cryptocurrency and blockchain transactions are being monitored to prevent circumvention of sanctions.

Conclusion

The erosion of neutral rights through asset seizures has been a recurring theme in modern history, often justified as a means of economic warfare. Despite the legal framework supporting neutrality, powerful states have routinely pressured or coerced neutral countries to comply with economic restrictions. The practice continues today in the form of economic sanctions, trade restrictions, and financial blacklisting, reflecting an ongoing tension between sovereign economic independence and global strategic interest

7-233.3 Limited Military Interventions within Neutral Territory

Introduction

Neutrality is a cornerstone of international law, allowing states to abstain from hostilities during armed conflicts while expecting their sovereignty to be respected by belligerents. However, history has repeatedly demonstrated that neutrality is often disregarded when it conflicts with the strategic or military interests of warring nations. While full-scale invasions of neutral states represent the most blatant violations, limited military interventions—where a belligerent undertakes targeted, often small-scale, military actions within a neutral state—are another way neutral rights are eroded.

This study focuses on two major historical cases of limited military interventions violating neutrality:

1. **The Altmark Incident (1940),** where Britain conducted a military operation in neutral Norwegian waters to rescue prisoners from a German ship.
2. **The U.S. Incursion into Cambodia (1970),** where American and South Vietnamese forces crossed into neutral Cambodia to attack North Vietnamese and Viet Cong bases.

These cases illustrate how neutral rights can be compromised by limited military interventions and explore the legal, ethical, and strategic justifications given by the intervening powers

1. The Altmark Incident (1940)

Background

During the early months of World War II, Germany's pocket battleship Graf Spee had been raiding Allied merchant ships, capturing crews and transferring them to the German auxiliary ship Altmark. After the *Graf Spee* was scuttled off the coast of Uruguay in December 1939, the *Altmark*, carrying 299 British prisoners, attempted to return to Germany via the Norwegian coast, navigating through neutral Norwegian waters.

Violation of Norwegian Neutrality

- Norway, maintaining strict neutrality, escorted the Altmark through its waters and declined British requests to inspect the ship for prisoners.
- On February 16, 1940, the British destroyer HMS Cossack, acting on orders from Winston Churchill, entered Norwegian territorial waters near Jøssingfjord without permission.

- British forces boarded the *Altmark*, killing several German crew members and freeing the British prisoners.

Consequences and Legal Implications

- For Norway: The incident exposed Norwegian weakness in enforcing its neutrality, damaging its credibility.
- For Germany: Hitler used the event as a pretext for the invasion of Norway (Operation Weserübung) in April 1940.
- For Britain: The operation was hailed as a moral and strategic victory, but it blatantly violated Norwegian sovereignty.
- Legal Precedent: Under international law, Britain's action was unlawful, as Norway had the right to control its waters.

Justifications and Ethical Dilemmas

- British Justification: The UK argued that Norway had failed in its neutral obligations by allowing the *Altmark* to use its waters as a haven for illegal prisoners.
- Counterargument: Norway was not actively assisting Germany and had conducted inspections of the *Altmark* (though ineffectively). The British action was a clear violation of Norwegian sovereignty.

Summary of Neutrality Erosion

This incident demonstrated that a limited military intervention—a small-scale naval operation—could still severely undermine neutral rights. Norway's failure to prevent it ultimately led to a larger military consequence: Germany's invasion of Norway.

2. U.S. Incursion into Cambodia (1970)

Background

During the Vietnam War, North Vietnamese and Viet Cong forces used neutral Cambodia as a sanctuary, establishing supply routes (notably the Ho Chi Minh Trail) and bases along the Cambodian-Vietnamese border. Although Cambodia officially remained neutral, its government under Prince Norodom Sihanouk struggled to prevent both Vietnamese infiltration and U.S. military pressure.

On April 30, 1970, U.S. President Richard Nixon authorized a large-scale incursion into Cambodia to attack enemy sanctuaries and weaken North Vietnamese forces. This led to a series of military operations in Cambodian territory by U.S. and South Vietnamese forces.

Violation of Cambodian Neutrality

- The operation was conducted without Cambodia's approval, violating its sovereignty.
- U.S. and South Vietnamese forces penetrated over 30 miles into Cambodian territory, targeting North Vietnamese bases.
- While the campaign did disrupt North Vietnamese supply lines, it also destabilized Cambodia politically and militarily.

Consequences and Legal Implications

- For Cambodia: The incursion contributed to domestic unrest, ultimately leading to the rise of the Khmer Rouge, a genocidal regime.
- For the United States: The operation triggered massive anti-war protests, including the infamous Kent State shootings.
- Legal Precedent: The intervention was widely condemned as a violation of international law, as Cambodia had not consented to military action on its soil.

Justifications and Ethical Dilemmas

- U.S. Justification: The Nixon administration argued that Cambodia had failed to prevent the use of its territory by enemy forces and that the intervention was necessary to protect U.S. troops in Vietnam.
- Counterargument: Cambodia's neutrality was legally recognized, and U.S. military intervention worsened the regional conflict rather than stabilizing it.

Summary of Neutrality Erosion

The Cambodia incursion illustrates how a limited military intervention can escalate into a broader geopolitical crisis. Though it was a tactical military success, it had severe long-term consequences, ultimately undermining both Cambodia's neutrality and regional stability.

Comparative Analysis: Altmark Incident vs. U.S. Incursion into Cambodia

Factor	Altmark Incident (1940)	U.S. Incursion into Cambodia (1970)
Nature of Violation	Naval intervention in neutral waters	Ground invasion into neutral land
Scale	Small-scale rescue operation	Large-scale military incursion
Neutral Party	Norway	Cambodia
Justification by Belligerent	Humanitarian (rescuing prisoners)	Military necessity (targeting enemy sanctuaries)

Factor	Altmark Incident (1940)	U.S. Incursion into Cambodia (1970)
Immediate Consequences	Prompted Germany's invasion of Norway	Contributed to Cambodia's destabilization
Long-term Impact	Weakened Norway's ability to maintain neutrality	Helped lead to the rise of the Khmer Rouge

Conclusion: The Fragility of Neutrality

The Altmark Incident and the U.S. incursion into Cambodia are two historical cases that highlight how limited military interventions can erode neutral rights. While neither operation constituted a full-scale invasion, both violated international law, compromised the sovereignty of neutral states, and had serious geopolitical consequences.

Key Takeaways:

1. Neutrality is difficult to enforce when great powers perceive their military objectives as more pressing than legal obligations.
2. Limited interventions can trigger unintended consequences, such as Germany's invasion of Norway or Cambodia's descent into chaos.
3. Legal and ethical justifications are often disputed, with belligerents claiming necessity while neutral states insist on sovereignty.

Ultimately, history shows that neutral states often struggle to maintain their status in conflicts, as powerful nations are willing to infringe upon neutrality when it suits their strategic goals.

7-233.4 Outright Invasion of Neutral States

Introduction

Neutrality in international law is intended to shield states from becoming involved in conflicts in which they are not participants. Under treaties such as the Hague Conventions of 1907, neutral states are entitled to sovereignty and protection from belligerent actions. However, history has repeatedly demonstrated that neutrality is often disregarded when it conflicts with the military and strategic objectives of warring powers.

Unlike limited military incursions, which are often brief and targeted, outright invasion and occupation represent the complete disregard for neutrality, where a belligerent force

forcefully enters, seizes control, and often governs a neutral state. This type of violation is usually motivated by strategic positioning, economic resources, military advantage, or ideological objectives.

This analysis examines the outright invasion and occupation of neutral states, using key historical examples:

1. The German invasion and occupation of Belgium (1914 & 1940)
2. The German invasion and occupation of Denmark and Norway (1940)
3. The Soviet invasion and occupation of the Baltic States (1940)
4. The Japanese invasion of Dutch East Indies (1942)

These cases highlight the extent to which belligerents ignore neutrality and the long-term consequences of such actions.

1. The German Invasions of Belgium (1914 & 1940)

Background

Belgium declared neutrality in both World War I and World War II, but in each case, Germany violated its neutrality by launching full-scale invasions to gain strategic access to France.

World War I (1914): The Schlieffen Plan and Belgium's Neutrality

- Germany's Schlieffen Plan required a swift invasion of Belgium to bypass French defenses and encircle Paris.
- Despite Belgium's neutrality under the Treaty of London (1839)—which Germany had signed—German forces invaded on August 4, 1914.
- Belgian forces resisted but were overwhelmed, leading to German occupation.

World War II (1940): Blitzkrieg and the Fall of Belgium

- In May 1940, Germany again invaded neutral Belgium to facilitate its rapid conquest of France.
- The Belgian government was forced to surrender within 18 days.
- German occupation lasted until 1944, resulting in mass repression, forced labor, and collaborationist government policies.

Consequences and Legal Violations

- International Law Violation: Both invasions violated Belgium's neutrality, recognized by international treaties.

- Mass Destruction and Civilian Suffering: The invasions caused severe damage and war crimes, such as the execution of Belgian civilians in WWI.
- Long-term Neutrality Crisis: After WWII, Belgium abandoned strict neutrality and became a founding member of NATO, signaling a shift in global attitudes toward neutrality.

2. The German Invasion and Occupation of Denmark and Norway (1940)

Background

In April 1940, Germany launched Operation Weserübung, a military campaign to invade and occupy Denmark and Norway, despite both countries being neutral. The operation was driven by Germany's need to secure strategic access to the North Sea and protect its iron ore supply from Sweden.

Denmark: The Shortest Invasion

- On April 9, 1940, German forces crossed into Denmark and demanded surrender.
- The Danish government capitulated within six hours, becoming the shortest military campaign of WWII.
- Denmark remained under German occupation until 1945, though the government cooperated with Germany initially.

Norway: Fierce Resistance and Occupation

- Norway had a strategic Atlantic coastline, making it vital for Germany's naval operations.
- German forces launched an amphibious assault, capturing key Norwegian ports.
- Norwegian resistance lasted for two months, but by June 1940, Norway was fully occupied.

Consequences and Legal Violations

- Violation of Neutrality: Germany ignored Norway's sovereignty, using the pretext that Britain might invade first.
- Political Impact: Norway's king and government fled to Britain, forming a government-in-exile.
- End of Scandinavian Neutrality: After WWII, both Denmark and Norway abandoned neutrality and joined NATO.

3. The Soviet Invasion and Occupation of the Baltic States (1940)

Background

During WWII, the Soviet Union invaded and occupied Estonia, Latvia, and Lithuania in 1940, despite these countries being neutral. This was carried out under the secret protocols of the Molotov-Ribbentrop Pact (1939) between Nazi Germany and the Soviet Union.

Soviet Occupation Process

- June 1940: Soviet troops occupied the three Baltic states under the pretext of mutual assistance treaties.
- Soviet-controlled governments were installed, and sham elections led to the annexation of these states into the Soviet Union.

Consequences and Legal Violations

- Sovereignty Erased: The occupation effectively ended the independence of these states.
- Mass Deportations and Repression: Tens of thousands of Baltic citizens were deported to Siberia or executed.
- International Non-Recognition: Western nations never formally recognized the annexation, though the Baltic states remained under Soviet control until 1991.

4. The Japanese Invasion of the Dutch East Indies (1942)

Background

The Dutch East Indies (modern-day Indonesia) was officially neutral at the beginning of WWII. However, Japan, seeking to control oil and rubber resources, launched a full-scale invasion in 1942.

Japanese Occupation Process

- Japan conducted amphibious landings and swiftly defeated Dutch colonial forces.
- Dutch authorities surrendered in March 1942, leading to full occupation.
- Japan ruled the territory with extreme brutality, committing widespread atrocities, forced labor, and war crimes.

Consequences and Legal Violations

- Economic Exploitation: Japan extracted vast resources for its war effort.
- Civilian Atrocities: Thousands of Indonesian civilians and Dutch prisoners of war suffered forced labor, executions, and famine.
- Post-War Decolonization: The occupation accelerated Indonesian nationalism, leading to the Indonesian War of Independence (1945-1949).

Comparative Analysis: Patterns in Neutrality Violations

Factor	Belgium (1914 & 1940)	Denmark & Norway (1940)	Baltic States (1940)	Dutch East Indies (1942)
Belligerent	Germany	Germany	Soviet Union	Japan
Reason for Invasion	Military strategy	Military strategy	Annexation	Economic resources
Type of Occupation	Military and administrative	Military and administrative	Full annexation	Military and economic
Neutrality Status	Internationally recognized	Internationally recognized	Internationally recognized	Colonial possession

Conclusion: The Fragility of Neutrality

Outright invasion and occupation of neutral states demonstrate the fundamental weakness of neutrality in global conflicts. Despite international treaties, great powers have repeatedly ignored neutral rights when strategic, economic, or military interests were at stake.

Key Takeaways:

1. Legal Protection is Insufficient – Treaties like the Hague Conventions failed to prevent violations of neutrality.
2. Military Weakness Encourages Violations – Smaller, less defended nations are most vulnerable.
3. Occupation Often Has Long-Term Consequences – Many formerly neutral states (e.g., Belgium, Norway) abandoned neutrality post-WWII and joined military alliances.
4. Global Order Changes After Occupations – Some occupations, such as the Soviet annexation of the Baltics, lasted for decades, reshaping geopolitics.

Ultimately, neutrality is only as strong as the willingness of belligerents to respect it—and history shows that in times of war, neutrality often becomes a casualty of military necessity.

7-234 Excessive Use of the Right of Angary

Introduction

The right of angary is a concept in international law that allows a belligerent state to seize, requisition, or use neutral property (typically ships, railways, or infrastructure) located within its jurisdiction if necessary for its war effort, provided that fair compensation is given to the

neutral owner. While this right is recognized under customary international law, its excessive or unjustified use can erode neutral rights and undermine the principle of neutrality.

Throughout history, belligerents have stretched the limits of the right of angary, using it not only in their own territories but also in occupied or controlled regions, sometimes without adequate compensation. This has led to diplomatic disputes, economic losses for neutral states, and a broader weakening of neutral rights during wartime.

This analysis explores the erosion of neutral rights due to the excessive use of the right of angary, focusing on:

1. The Use of Angary by Britain and France in World War I (1914–1918)
2. The U.S. Seizure of Neutral Ships in World War I (1917)
3. The Widespread Use of Angary in World War II (1939–1945)
4. Economic and Legal Consequences of the Right of Angary

1. The Use of Angary by Britain and France in World War I

Background

During World War I, Britain and France, as major Allied powers, extensively exercised the right of angary to requisition neutral property, especially ships and cargo that were docked in their ports or passing through their territorial waters. Their justification was that these assets were essential for the war effort.

Examples of Neutral Rights Violations

- Dutch and Scandinavian Ships Seized:
    - The British and French navies seized Dutch, Swedish, Danish, and Norwegian ships found in their ports.
    - Neutral governments protested, arguing that the seizures were unjustified, as their countries had maintained strict neutrality.
    - Some ships were taken without immediate compensation, violating the principles of fair requisitioning.
- Use of Angary to Block Neutral Trade:
    - Britain used the right of angary as a means of economic warfare, preventing neutral ships from trading with Germany.
    - This created severe economic hardship for neutral maritime nations, such as the Netherlands, which relied heavily on international trade.

Consequences

- Economic Hardship for Neutral States: The seizure of neutral ships disrupted global trade and angered neutral nations.
- Strained Diplomatic Relations: The Netherlands and Scandinavian countries lodged repeated protests, but the Allied powers largely ignored them.
- Set a Dangerous Precedent: The broad and sometimes arbitrary use of angary in World War I influenced future conflicts, particularly World War II.

2. The U.S. Seizure of Neutral Ships in World War I (1917)

Background

Before the U.S. officially entered World War I in April 1917, it maintained neutrality. However, once it joined the war, it expanded the use of angary to requisition neutral **ships** within its ports.

Key Actions Taken

- On March 20, 1918, President Woodrow Wilson invoked the right of angary to seize 90 neutral ships docked in American harbors, including vessels from the Netherlands, Denmark, and Sweden.
- These ships were pressed into service for the U.S. war effort.
- The U.S. offered compensation, but the sudden nature of the seizures led to economic losses for neutral shipowners.

Consequences

- Deterioration of U.S.-Neutral Relations: The Netherlands, in particular, viewed the action as a violation of their sovereignty.
- Expansion of the Concept of Angary: The U.S. justified its actions as a necessary wartime measure, setting a precedent for future wartime requisitions.

3. The Widespread Use of Angary in World War II (1939–1945

Background

World War II saw unprecedented use of the right of angary by multiple nations, including Britain, the U.S., Germany, and Japan. The concept was stretched beyond its traditional legal limits, further eroding neutral rights.

Examples of Angary's Excessive Use

- British Seizure of Dutch and Belgian Ships (1940):
    - After Germany occupied the Netherlands and Belgium, Britain seized hundreds of neutral ships in British-controlled ports, claiming that they would otherwise fall into German hands.
    - The Dutch and Belgian governments-in-exile had little choice but to accept this action, though it compromised their neutral status.
- U.S. Requisition of Latin American and Neutral Ships (1941-1942):
    - The U.S. used angary to seize ships from neutral Latin American nations to support Allied war logistics.
    - Although the U.S. promised fair compensation, the requisitioning of these vessels was seen as a coercive act against smaller neutral nations.
- Germany's Forced Use of Neutral Infrastructure:
    - Germany occupied several neutral states (e.g., Denmark, Norway, and the Netherlands) and forcibly used their railways, ports, and industries to support its war effort.
    - Unlike the Allies, Germany rarely compensated neutral property owners, making its actions a clear violation of neutrality.
- Japanese Requisition of Dutch East Indies Resources (1942):
    - After invading the Dutch East Indies (Indonesia), Japan requisitioned oil, rubber, and shipping assets, justifying it under wartime necessity.
    - This was essentially a war crime, as Japan never intended to compensate neutral property owners.

Consequences of Excessive Use of Angary in WWII

- Weakened International Trust in Neutrality: Countries saw that even if they remained neutral, their assets could still be taken.
- Expansion of Angary Beyond Ships: Belligerents increasingly seized factories, railroads, and raw materials, broadening the scope of the right beyond its original intent.
- Post-War Shifts in Policy: Many former neutral states, such as Sweden and the Netherlands, reconsidered neutrality policies after seeing how little protection it offered.

4. Legal and Economic Consequences of the Right of Angary

Legal Implications

- Violation of Sovereignty: Excessive use of angary erodes the legal protection of neutral states, making neutrality seem ineffective.
- Precedent for Future Conflicts: The broad interpretation of angary in both world wars set a dangerous precedent that states could seize neutral assets with minimal justification.

Economic Consequences

- Losses for Neutral Maritime Powers: Countries like the Netherlands and Sweden, which relied heavily on shipping, suffered massive economic damage due to the seizure of their merchant fleets.
- Disruptions in Global Trade: The widespread use of angary destabilized neutral economies, particularly in shipping and raw materials industries.

Conclusion: The Decline of Neutral Rights through Angary

The excessive use of the right of angary by belligerents during wartime demonstrates how neutral rights can be systematically eroded when military necessity takes precedence over legal principles.

Key Takeaways:

1. Angary, originally a limited wartime measure, became a tool for economic warfare, undermining neutral sovereignty.
2. The broad use of angary in both world wars showed that neutrality offered little protection against great-power conflicts.
3. Despite legal frameworks, belligerents often prioritized military advantage over international law, further weakening neutral rights.

Ultimately, the history of angary illustrates that neutrality is only as strong as the willingness of belligerents to respect it—and history has shown that military necessity almost always overrides legal protections.

7-235 Application of Pressure

Throughout history, neutral nations have often faced excessive pressure from belligerent powers, compelling them to abandon their neutral stance or compromise their neutrality. This erosion of neutral rights can manifest through diplomatic coercion, economic sanctions, or military threats, challenging the sovereignty and impartiality of neutral states.

Historical Examples:

1. **World War II: Pressure on Neutral Countries**
    - Spain: Despite Its Official Neutrality During World War Ii, Spain, Under Francisco Franco, Faced Significant Pressure From Nazi Germany To Join The Axis Powers. While Spain Maintained Its Non-Belligerent Status, It Provided Material Support To Germany, Including The Deployment Of The Blue Division To The Eastern Front.
    - Portugal: Portugal, under António de Oliveira Salazar, navigated a complex position during the war. Although officially neutral, it faced pressure from both the Allies and the Axis powers due to its strategic location and resources, such as tungsten. Portugal managed to maintain its neutrality while providing support to both sides, including leasing bases in the Azores to the Allies.
2. **Cold War Era: U.S. Influence on Latin American Neutrals**
    - During the Cold War, the United States exerted considerable pressure on Latin American countries to align with its anti-communist policies. Nations that attempted to maintain neutrality or adopt non-aligned positions often faced economic sanctions, political isolation, or support for opposition groups within their borders.

Mechanisms of Pressure:

- **Diplomatic Coercion:** Belligerent nations may employ diplomatic channels to pressure neutral states into supporting their cause, often through ultimatums or demands that compromise neutrality.
- **Economic Sanctions:** Imposing trade restrictions or financial penalties can coerce neutral countries into abandoning their impartial stance to avoid economic hardship.
- **Military Threats:** The threat or use of military force can intimidate neutral nations into providing support or allowing the use of their territory for military operations.

Implications:

- **Sovereignty Erosion:** Excessive pressure undermines the sovereignty of neutral states, forcing them to act against their national interests or principles.
- **International Law Violations:** Coercing neutral nations contravenes international laws that protect state neutrality and non-involvement in conflicts.
- **Global Stability Risks:** Undermining neutrality can escalate conflicts and destabilize regions, as neutral states may be drawn into hostilities against their will.

In conclusion, the application of excessive pressure by belligerent powers significantly erodes the rights of neutral nations, challenging their sovereignty and the foundational principles of international law designed to maintain global peace and stability.

7-236 Reprisals Against Enemy States with Effect on Neutrals too

Belligerent reprisals are actions that would typically violate international humanitarian law (IHL) but are undertaken by a state in response to an adversary's unlawful conduct, with the aim of compelling the adversary to comply with the law. While reprisals are intended to enforce adherence to IHL, their execution can inadvertently affect neutral parties, leading to the erosion of neutral rights.

Legal Framework of Reprisals:

Reprisals are subject to stringent conditions under IHL:

1. **Last Resort:** Reprisals must be employed only after other lawful measures have been exhausted and have failed to induce the offending party to cease its violations.
2. **Proportionality:** The response must be proportionate to the original violation, avoiding excessive or indiscriminate harm.
3. **Purpose:** The primary aim should be to enforce compliance with IHL, not to punish or seek revenge.
4. **Termination:** Reprisals must cease once the adversary complies with IHL.
5. **Authorization:** Decisions to carry out reprisals should be made at the highest levels of government.

These conditions are designed to ensure that reprisals are conducted within a controlled framework to minimize harm and uphold the integrity of IHL.

lieber.westpoint.edu

Impact on Neutral Parties:

Despite these safeguards, reprisals can inadvertently affect neutral states in several ways:

- **Economic Disruption:** Reprisals such as blockades or sanctions against an enemy state can disrupt trade routes and economic activities of neutral countries engaged in commerce with the targeted state.
- **Security Risks:** Military actions taken as reprisals may spill over into neutral territories, endangering their security and potentially violating their sovereignty.

- **Diplomatic Strain:** Neutrals may face diplomatic pressure to support or condemn reprisals, challenging their impartiality and leading to strained relations with belligerent nations.

Historical Example:
During World War I, the British naval blockade of Germany, implemented as a reprisal against German unrestricted submarine warfare, significantly affected neutral countries. Neutral nations like the Netherlands and Denmark experienced severe trade disruptions, leading to economic hardship and diplomatic tensions. This example illustrates how reprisals, even when aimed at enforcing compliance with IHL, can have far-reaching consequences for neutral parties.
academic.oup.com

Conclusion:
While reprisals are recognized under international law as a means to enforce compliance with IHL, their application must be carefully controlled to prevent unintended harm to neutral states. Belligerent nations must consider the broader implications of their actions to uphold the rights and sovereignty of neutral parties and maintain the balance intended by international humanitarian law.

7-24 Disputed Issues Involving Neutrals
7-241 Discriminatory Behavior
7-241.1 General

Neutral states are obligated under international law to maintain impartiality during armed conflicts, refraining from favoring any belligerent party. However, instances of discriminatory behavior by neutrals can compromise this impartiality, leading to legal and ethical concerns.

Forms of Discriminatory Behavior by Neutrals:

1. **Selective Trade Practices:**
    - Engaging in trade that favors one belligerent over another, such as supplying arms or strategic materials exclusively to a particular party, breaches the duty of impartiality.

2. **Unequal Enforcement of Neutrality Laws:**
    - Applying laws or regulations in a manner that disadvantages one belligerent, such as permitting the use of ports or airspace to one side while denying it to the other, constitutes discriminatory conduct.
3. **Intelligence Sharing:**
    - Providing intelligence support to one belligerent undermines neutrality and can be viewed as participation in hostilities.

Legal Implications:
The law of neutrality, as outlined in conventions such as the Hague Conventions of 1907, mandates that neutral states must abstain from supporting belligerents and apply their neutrality impartially. Failure to do so can result in violations of international law and may entitle aggrieved belligerents to take countermeasures.
academic.oup.com

Contemporary Challenges:
In modern conflicts, the traditional law of neutrality faces challenges due to technological advancements and the complexities of international relations. The concept of "benevolent" neutrality has emerged, where non-belligerent states may find it challenging to strictly adhere to neutrality due to political, economic, or security considerations.
lieber.westpoint.edu

Conclusion:
Discriminatory behavior by neutral states not only violates the principles of neutrality but also risks escalating conflicts and undermining international legal frameworks. It is essential for neutral nations to uphold impartiality to maintain their legal standing and contribute to global stability.

7-241.2 Members of the United Nations

Neutral states that are members of the United Nations (UN) are expected to uphold the principles of impartiality and non-discrimination, both in their international relations and within the framework of the UN. However, instances of discriminatory behavior by these neutral member states can raise significant concerns regarding their adherence to UN principles and international law.

Potential Issues of Discriminatory Behavior by Neutral UN Member States:

1. **Selective Policy Implementation:**
    - Neutral states may face scrutiny if they implement policies that favor certain nations or groups over others, thereby compromising their impartial stance.
2. **Internal Discrimination:**
    - Instances of racial, ethnic, or religious discrimination within a neutral state's borders can undermine its credibility and commitment to UN principles.
3. **Participation in UN Decisions:**
    - As UN members, neutral states are involved in decision-making processes that may affect belligerent nations. Their votes and positions must reflect impartiality to maintain their neutral status.

UN Framework Addressing Discrimination:

The UN has established various instruments to combat discrimination, applicable to all member states, including neutral ones:

- **International Convention on the Elimination of All Forms of Racial Discrimination (ICERD):** Adopted in 1965 and in force since 1969, ICERD remains the principal international human rights instrument defining and prohibiting racial discrimination in all sectors of private and public life.
  legal.un.org
- **Joint Inspection Unit (JIU) Reports:** The JIU has conducted reviews addressing racism and racial discrimination within the UN system, providing recommendations for organizations to develop or enhance strategies to prevent and address these issues.
  unjiu.org

Challenges and Considerations:

- **Balancing Neutrality and UN Obligations:** Neutral states must navigate the complex interplay between maintaining their neutrality and fulfilling their obligations as UN members, especially when participating in collective actions or sanctions endorsed by the UN.
- **Internal Policies vs. International Perception:** Domestic policies perceived as discriminatory can affect a neutral state's international standing and its perceived commitment to UN principles.

- **Evolving Definitions of Neutrality:** The traditional concept of neutrality is being re-examined in the context of modern international relations, where issues such as human rights and collective security may necessitate a more nuanced understanding. lieber.westpoint.edu

Conclusion:
Neutral UN member states must diligently uphold the principles of non-discrimination and impartiality to maintain their neutral status and adhere to UN obligations. Continuous evaluation of both domestic and international policies is essential to ensure alignment with these principles and to address any potential issues of discriminatory behavior.

7-242 Transit or Stay of Warships

The transit and stay of belligerent warships in neutral territories present complex challenges for neutral states striving to uphold their impartiality during armed conflicts. International law delineates specific rights and obligations for neutral powers to prevent any form of favoritism or involvement in hostilities.

Transit of Warships:
Under international law, neutral states are generally expected to permit the innocent passage of belligerent warships through their territorial waters. The concept of "innocent passage" allows for navigation through a state's territorial sea so long as it is not prejudicial to the peace, good order, or security of the state. This right is recognized under customary international law and codified in treaties such as the United Nations Convention on the Law of the Sea (UNCLOS).

However, the right of innocent passage is subject to certain limitations. For instance, belligerent warships must refrain from any hostile actions or intelligence-gathering activities while transiting neutral waters. Additionally, neutral states may regulate the passage to ensure their security, provided such regulations are applied impartially to all belligerents.

Stay of Warships:
The stay of belligerent warships in neutral ports or waters is more stringently regulated to maintain neutrality. According to the Hague Convention XIII of 1907, belligerent warships are forbidden to remain in the ports, roadsteads, or territorial waters of a neutral power for more than 24 hours, except in cases of distress, medical emergencies, or necessary repairs.

Furthermore, a neutral state must apply these restrictions equally to all belligerent parties to avoid accusations of partiality.

Questionable Issues Arising from Non-Compliance:

1. **Extended Stays:** Allowing belligerent warships to remain beyond the stipulated time without valid reasons can be perceived as support for that belligerent, compromising the neutral state's impartiality.
2. **Logistical Support:** Providing supplies, refueling, or repair services beyond what is necessary for the immediate departure of the warship may be viewed as aiding a belligerent party.
3. **Intelligence Sharing:** Permitting belligerent warships to use neutral ports as bases for gathering intelligence or conducting operations against adversaries violates the principles of neutrality.

Legal and Ethical Implications:

Neutral states must carefully navigate these situations to uphold their obligations under international law. Failure to enforce regulations impartially can lead to:

- **Loss of Neutral Status:** Engaging in or permitting actions that favor one belligerent over another can result in the loss of neutral status, exposing the state to potential reprisals.
- **International Repercussions:** Other states may view non-compliance as a breach of international law, leading to diplomatic disputes or sanctions.
- **Security Risks:** Allowing belligerent warships to operate within neutral territory can inadvertently draw the neutral state into the conflict, threatening its security and sovereignty.

Conclusion:

Neutral states must enforce international regulations governing the transit and stay of belligerent warships within their territories to maintain impartiality and uphold international law. By doing so, they preserve their neutral status and contribute to broader efforts to limit the spread and escalation of armed conflicts.

7-243 Participation in War by Private Individuals

Neutral states are obligated under international law to maintain impartiality during armed conflicts, refraining from supporting any belligerent party. This duty extends to preventing

their territory from being used as a base for military operations or recruitment efforts. However, the participation of private individuals from neutral countries in foreign conflicts presents complex legal and ethical challenges.

Legal Framework:

The Hague Convention (V) of 1907 outlines the rights and duties of neutral powers and persons during war on land. According to Article 6 of the Convention:

"The responsibility of a neutral Power is not engaged by the fact of persons crossing the frontier separately to offer their services to one of the belligerents."

avalon.law.yale.edu

This provision indicates that while neutral states are not held responsible for individuals who independently join foreign conflicts, they are prohibited from facilitating or organizing such participation. Specifically, neutral states must not:

- Recruit troops for the belligerents or allow third parties to do so on their territory.
- Permit the formation or passage of organized armed forces intended for belligerent parties.

These prohibitions are designed to ensure that neutral states do not become complicit in the hostilities.

casebook.icrc.org

State Responsibility:

While individuals acting independently do not implicate the neutral state, the situation changes if the state is found to be complicit. According to the principles of state responsibility, a state may be held accountable for the actions of private individuals if it:

- Organizes, supports, or directs private individuals to participate in hostilities.
- Allows its territory to be used for recruiting or assembling combatants**.**

Such actions can be interpreted as a breach of neutrality, potentially leading to international liability.

justice.gov

Contemporary Considerations:

In recent conflicts, the participation of foreign volunteers has raised questions about the responsibilities of their home countries. For example, during the conflict in Ukraine, various nations addressed the legality of their citizens joining the International Legion:

- **Switzerland:** It is illegal for Swiss citizens to enlist in the International Legion under Swiss law.
- **United Kingdom:** While technically illegal under the Foreign Enlistment Act 1870, the UK has not enforced this law since 1896.
- **United States:** American law prohibits groups from departing the U.S. to take military action against nations at peace with the U.S., but does not prevent individuals from leaving to fight for a cause they believe in.

These examples illustrate the varying approaches neutral states take concerning their citizens' involvement in foreign conflicts.
en.wikipedia.org

Conclusion:
While neutral states are not generally held responsible for the independent actions of their citizens who choose to participate in foreign wars, they must avoid any form of support or facilitation of such activities. Failure to do so can compromise their neutral status and lead to international legal consequences.

7-244 Private Individuals Providing War Aid

The involvement of private individuals from neutral states in delivering war materials or extending credits to belligerent parties during armed conflicts presents complex legal and ethical challenges. While international law primarily addresses the actions of states, the activities of private citizens can have significant implications for a nation's neutrality.

International Legal Framework:
The Hague Conventions of 1907, particularly Convention V, outline the rights and duties of neutral powers and persons during land warfare. Article 7 of this convention states:
"A neutral Power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or fleet."
This provision indicates that neutral states are not obligated to prohibit their citizens from exporting war materials to belligerents. Consequently, private individuals and companies may legally engage in such trade without directly implicating their home country's neutrality.
avalon.law.yale.edu

State Responsibility and Evolving Interpretations:

While the traditional law of neutrality permits private trade in war materials, state practice and international expectations have evolved. The separation between state actions and private enterprises is increasingly viewed as artificial, given the significant role governments often play in regulating and supporting their domestic industries. As a result, if a neutral state permits extensive export of war materials by its private citizens, especially with governmental support or acquiescence, it may be perceived as compromising its neutrality.
icrc.org

National Legislation:

Some neutral countries have enacted domestic laws to regulate or prohibit their citizens from supplying war materials to belligerents. For instance, the United States implemented the Neutrality Acts in the 1930s, which, among other provisions, prohibited the export of arms, ammunition, and implements of war from the U.S. to foreign nations at war. These laws aimed to prevent private actions that could entangle the nation in foreign conflicts.
history.state.gov

Ethical and Practical Considerations:

Even when not legally prohibited, the delivery of war materials or extension of credits to belligerents by private individuals from neutral states can raise ethical questions and practical concerns:

- **Escalation of Conflict:** Such actions may contribute to the prolongation or intensification of hostilities.
- **Perception of Partiality:** Significant involvement by private citizens in supporting a belligerent can lead to perceptions that their home country is not truly neutral.
- **Economic Risks:** Extending credits to belligerents carries the risk of financial loss, especially if the recipient is defeated or undergoes political upheaval.

Conclusion:

While international law does not obligate neutral states to prevent their private citizens from supplying war materials or credits to belligerents, such activities can have significant implications. Neutral states must carefully consider the potential impact of these private actions on their neutral status and may choose to implement domestic regulations to mitigate risks associated with private support to parties in conflict.

Chapter 8

Scope of Neutrality

8-1 Temporal (When)

8-11 Challenges in the Timing of the War

8-111 Beginning of War

8-111.1 Formal Declarations of War Are Uncommon Today

Historically, declarations of war were a formal prerequisite before hostilities commenced. However, in contemporary international relations, they have become rare due to several reasons:

1. **UN Charter and Collective Security** – The United Nations framework discourages unilateral declarations of war, emphasizing collective security and self-defense mechanisms under **Article 51**.
2. **Strategic and Diplomatic Considerations** – Governments often avoid declaring war to maintain flexibility, avoid legal complications, or prevent diplomatic fallout.
3. **Technological and Covert Operations** – Many modern conflicts begin through cyberattacks, drone strikes, or special operations rather than traditional military invasions.
4. **Use of "Military Interventions" Instead of War** – States often label their military actions as "interventions," "police actions," or "counterterrorism operations" rather than war (e.g., the "War on Terror").
5. **Involvement of Non-State Actors** – Many contemporary conflicts involve non-state groups (e.g., ISIS, Al-Qaeda, militias) rather than traditional state-on-state wars, making formal declarations impractical.

Overall, the legal and practical aspects of warfare have evolved, making formal declarations of war an outdated concept in most cases. Instead, states engage in hostilities through diplomatic justifications, security doctrines, and international legal frameworks that shape the conduct of modern warfare.

8-111.2 Questionable Notification to Neutrals

Traditionally, under international law, states engaged in war were expected to formally notify neutral states about the outbreak of hostilities. This principle was established under the Hague Conventions of 1907, particularly Convention III on the Opening of Hostilities, which required belligerents to provide a formal declaration of war or at least a notification to neutral states.

However, in modern conflicts, this practice has become increasingly questionable and uncertain for several reasons:

1. Absence of Formal Declarations of War

- Most modern conflicts occur without an official declaration of war, making it unclear when or even if neutral states should be notified.
- Instead of war declarations, states often engage in military actions under labels such as “military operations,” “interventions,” or “counterterrorism actions.”
- For example, the U.S. interventions in Vietnam, Iraq, and Afghanistan were not preceded by official declarations of war, leading to uncertainty about notifications to neutral states.

2. The Nature of Modern Warfare

- Contemporary conflicts often do not have a clear beginning, as they may start with cyber warfare, drone strikes, covert operations, or hybrid warfare.
- Cyberattacks and economic warfare may precede or replace traditional hostilities, and these actions are often not officially reported to neutral states.

3. The Role of International Organizations (UN, NATO, etc.)

- In many cases, military actions are justified under United Nations mandates or collective security agreements (such as NATO Article 5).
- This means that instead of neutral states being notified directly, military actions are often discussed within international organizations.
- Neutral states may only learn of a conflict through media reports, intelligence sources, or diplomatic channels rather than official notifications.

4. Strategic and Diplomatic Considerations

- A state engaging in conflict may deliberately choose not to notify neutral states to maintain diplomatic flexibility or to avoid triggering obligations under neutrality laws.
- For example, a state that engages in a covert military operation may prefer not to inform neutral powers to avoid international scrutiny.
- During the Crimean conflict (2014–present), Russia did not formally declare war, making it uncertain how neutral states should respond.

5. The Erosion of Strict Neutrality

- In modern geopolitical dynamics, strict neutrality is rare.

- Many states that claim neutrality are economically or politically aligned with major powers, making formal war notifications less relevant.
- If a neutral state is indirectly involved—such as through sanctions, economic measures, or intelligence sharing—a belligerent may not see the need to notify them of war.

Conclusion

Given these factors, it is increasingly questionable whether neutral states will be informed about the outbreak of war at all. While international law still upholds the principle that neutral powers should be notified, the reality of modern warfare makes this practice inconsistent, ambiguous, and often ignored.

Instead of relying on formal war notifications, neutral states today must rely on intelligence, diplomatic signals, and international media to assess when a conflict has begun and how it might affect their neutrality.

8-111.3 Challenges in Establishing the Existence of a State of War

Under international law, neutral powers cannot invoke the lack of formal notification of war if it is established beyond doubt that they were already actually aware of the conflict. This principle prevents states from exploiting technicalities to deny their obligations of neutrality. However, in modern warfare, establishing "actual awareness" of a state of war has become highly questionable due to a variety of political, military, and secrecy-related circumstances.

1. Political Ambiguity in Declaring War

- Today, many conflicts are politically framed as "special military operations," "interventions," or "defensive actions" rather than formal wars.
- Example: Russia-Ukraine War (2022) – Russia officially referred to its actions as a “special military operation”, not a war. This created political ambiguity, making it difficult for neutral powers to determine whether a state of war existed.
- Many states prefer strategic ambiguity in warfare to avoid diplomatic and legal consequences, leaving neutral states in an uncertain position.

2. Lack of Formal Declarations and Notifications

- Since declarations of war are no longer common, neutral states often do not receive direct notification from belligerents.

- Instead, they must rely on intelligence reports, diplomatic sources, or public statements to determine whether a war exists.
- Example: The U.S. War on Terror (Post-9/11) – The U.S. never declared war on specific states but engaged in prolonged conflicts in Afghanistan, Iraq, and Syria. Neutral states had to assess for themselves whether a war was taking place.

3. Secrecy in Modern Warfare

- Many conflicts begin in secrecy, often through covert operations, cyberattacks, or clandestine military actions before large-scale hostilities break out.
- Example: The 2014 Annexation of Crimea – Russia initially denied involvement, using unmarked soldiers ("little green men") to seize control. Many neutral states were unsure whether a war had started.
- Cyberwarfare further complicates the issue, as cyberattacks can be acts of war but are often not formally acknowledged by the aggressor.

4. Intelligence Gaps and Misinformation

- Modern conflicts involve disinformation campaigns, propaganda, and restricted access to battlefield information, making it harder for neutral states to verify facts.
- Some governments may deliberately withhold intelligence reports to maintain diplomatic neutrality.
- Example: The Syrian Civil War – Due to multiple factions, foreign interventions, and classified operations, neutral states struggled to determine the true extent of the war.

5. The Role of International Organizations

- In many cases, neutral states rely on international organizations (e.g., United Nations, NATO, OSCE) for assessments of conflicts.
- However, these organizations may take time to officially recognize a war, delaying the neutral powers' official acknowledgment.
- If a war remains politically contested at the UN Security Council, neutral states may hesitate to declare awareness.

Conclusion

Although international law assumes that actual awareness of war eliminates the need for formal notification, in reality, establishing such awareness is highly questionable in modern conflicts due to political framing, secrecy, intelligence limitations, and the erosion of formal war declarations. Neutral powers today must rely on independent intelligence, diplomatic assessments, and media reports rather than formal notifications to determine whether they

must uphold neutrality. However, in politically sensitive conflicts, even their acknowledgment of a state of war may be disputed.

8-112 Ending of War

8-112.1 Prohibition of Debellation

The termination of a state of war has always been a complex issue in international law and politics. Unlike in earlier times, when wars typically ended with a clear military victory, surrender, or treaty, modern conflicts often lack a definitive conclusion. The absence of formal declarations of war further complicates identifying when a war officially ends. Several problems arise concerning the end of the state of war, one of which is the prohibition of debellation.

1. The Prohibition of Debellation

Debellation refers to ending a war through the total destruction and subjugation of an enemy state, leading to its political and legal disappearance. In earlier history, wars often ended with one side completely defeating the other, absorbing its territory or dissolving its government.

However, modern international law prohibits debellation, especially under:

- The UN Charter (1945), which upholds sovereign equality and forbids the forceful destruction of states.
- The Hague and Geneva Conventions, which regulate war termination and prohibit total conquest without legal processes.
- The principle of self-determination, which protects states and peoples from forced subjugation.

Problems Caused by the Prohibition of Debellation:

- **Survival of Defeated States**: Even after military defeat, a state continues to exist as a legal entity, meaning peace negotiations are required instead of forced annexation.
    - Example: Iraq (2003) – The U.S. overthrew Saddam Hussein's regime but could not legally erase Iraq as a state. Instead, it had to establish a new government and legal framework.
- **Unclear End of Hostilities**: If a state cannot be completely dismantled, there is no clear end to the war, leading to prolonged instability and insurgencies.

    - Example: Afghanistan (2001–2021) – The U.S. toppled the Taliban in 2001, but since debellation was prohibited, the Taliban remained an entity and eventually regained control in 2021.
- **Legal and Diplomatic Confusion**: Since states cannot be forcibly dissolved, diplomatic disputes can arise over when a war actually ends—especially if a government-in-exile or resistance continues to claim legitimacy.
    - Example: Korean War (1950–Present) – North and South Korea never signed a peace treaty, only an armistice, meaning the war technically never ended.

2. Lack of Formal Peace Treaties

Historically, wars typically ended with treaties that clearly defined post-war arrangements. However, modern conflicts often conclude without formal peace agreements, leading to ambiguity over the war's status.

- **Example: The Gulf War (1991)** – The war ended with a ceasefire, not a peace treaty, leaving Iraq subject to ongoing restrictions and military actions for years.
- **Example: The Russia-Ukraine War (2022–?)** – Even if hostilities stop, without a formal treaty, legal uncertainties may persist regarding territories and sovereignty.

3. Prolonged Conflicts with No Official End

Some wars continue indefinitely due to legal, political, or military factors:

- **Frozen Conflicts**: Some wars stop without an official resolution, leading to ongoing tensions and ceasefires without a peace treaty (e.g., Nagorno-Karabakh, Israel-Palestine, Korean Peninsula).
- **Terrorism and Insurgencies**: Many modern wars involve non-state actors, making it difficult to declare a war completely over.
    - Example: The "War on Terror" – Since terrorist groups are decentralized and continuously evolve, it is unclear when the war ends.

4. Continued Use of Force Post-War

Even after official hostilities cease, military actions may continue, raising questions about whether the war has truly ended.

- **Occupation Forces**: If foreign troops remain, is the war truly over? (e.g., U.S. forces in Iraq post-2003).
- **Sanctions and No-Fly Zones**: If economic and military restrictions continue, does peace really exist?
    - Example: Iraq (1991–2003) – The Gulf War ended in 1991, but U.S. airstrikes and sanctions continued until the 2003 invasion.

Conclusion

The end of a state of war is increasingly unclear due to the prohibition of debellation, the absence of formal peace treaties, and the persistence of insurgencies and frozen conflicts. Instead of wars ending definitively, they now often transform into long-term instability, ceasefires, or prolonged military occupations, making it difficult to determine when a war is truly over in legal and political terms.

8-112.2 Reluctance to Sign Peace Treaties

In international law, a war is traditionally ended by a peace treaty that formally establishes the terms of peace, territorial settlements, and post-war obligations. However, history has shown a reluctance to sign peace treaties, leading to uncertainty about when a state of war actually ends.

This reluctance causes several legal, political, and diplomatic problems, as wars may persist in legal limbo, ceasefires may be mistaken for permanent peace, and unresolved disputes may lead to future hostilities.

1. Unresolved Legal Status of War

Without a formal peace treaty, a war may technically remain in effect, creating uncertainty in diplomatic relations, military policies, and legal obligations.

- **Example: The Korean War (1950–Present)** – The war ended with the 1953 Armistice Agreement, but no peace treaty was ever signed. As a result, North and South Korea are still technically at war, leading to ongoing military tensions.
- **Example: The Gulf War (1991)** – Iraq and the U.S. ended hostilities with a ceasefire, not a peace treaty. This allowed military actions, such as airstrikes and sanctions, to continue for years afterward.

2. Ceasefires and Armistices Are Not Peace Treaties

Many conflicts end with a ceasefire agreement or armistice, but these are not legally the same as peace treaties.

- Ceasefires and armistices only stop active combat but do not resolve underlying political disputes.
- Without a peace treaty, the war may resume at any time.
    - Example: Arab-Israeli Conflicts – The 1949 armistices ended hostilities between Israel and Arab states, but the lack of a comprehensive peace treaty

meant conflicts continued in later years (e.g., Six-Day War in 1967, Yom Kippur War in 1973).

3. Political and Strategic Reluctance to Sign Peace Treaties

Countries often refuse to sign peace treaties for **strategic reasons**, including:

- **Avoiding Recognition of an Adversary** – States may refuse to sign a treaty to avoid legitimizing their opponent's sovereignty.
    - Example: Israel and Palestine – The lack of a formal peace treaty is due to disputes over borders, recognition, and statehood.
- **Preserving Future Claims** – Some nations avoid treaties so they can maintain territorial or political claims for the future.
    - Example: Russia and Japan (World War II) – Russia and Japan never signed a peace treaty after WWII due to the Kuril Islands territorial dispute, leaving the war's legal end unresolved.
- **Domestic Political Opposition** – Peace treaties require government approval, but internal political opposition can block or delay their signing.
    - Example: Vietnam War (1973) – The U.S. withdrawal was followed by continued conflict because the Paris Peace Accords did not ensure stability.

4. Continued Sanctions and Military Actions Post-War

Without a peace treaty, economic and military actions often persist, raising the question of whether the war truly ended.

- **Economic Sanctions** – Sanctions imposed during wartime often continue for years after hostilities stop.
    - Example: North Korea – Since there is no peace treaty, sanctions from the Korean War era still affect North Korea.
- **Ongoing Military Operations** – Military strikes and interventions may continue even after major combat ends.
    - Example: Iraq (1991–2003) – After the Gulf War ceasefire, Iraq remained under airstrikes and no-fly zones, making it unclear when the war truly ended.

5. Unresolved Territorial Disputes

Peace treaties often define new borders, but when no treaty is signed, territorial disputes remain unresolved, fueling future conflicts.

- **Example: India and Pakistan (Kashmir Conflict)** – Multiple wars (1947, 1965, 1971, 1999) have ended with ceasefires, but no comprehensive peace treaty has resolved Kashmir's status, leading to continued tensions.

- **Example: Taiwan and China** – The Chinese Civil War (1949) never formally ended with a treaty, leading to Taiwan's unresolved status.

Conclusion

The historical reluctance to sign peace treaties leads to unclear war terminations, ongoing tensions, and future conflicts. Instead of definitive endings, wars often persist in a state of legal limbo, with ceasefires replacing treaties and hostilities threatening to resume at any time.

As a result, the modern world sees more "frozen conflicts," economic warfare, and prolonged military occupations rather than clear resolutions through peace treaties.

Example: Reluctance to Sign a Peace Treaty with Germany After World War II:

The formal end of World War II with Germany was delayed for decades due to political divisions, Cold War tensions, and strategic concerns, preventing a comprehensive peace treaty from being signed immediately after the war. Instead of a single treaty, the resolution of the war's legal status was gradual and fragmented, leading to uncertainty about when the state of war officially ended.

1. The Absence of a Comprehensive Peace Treaty (1945–1990)

Unlike World War I, which ended with the Treaty of Versailles (1919), World War II did not conclude with a single peace treaty with Germany.

- In May 1945, Germany surrendered unconditionally, but this did not mean a legal end to the war.
- The Allies (U.S., U.K., USSR, and France) occupied Germany and divided it into four zones, effectively preventing Germany from acting as a sovereign state capable of signing a treaty.
- Instead of a peace treaty, Germany remained under occupation and was governed by the Allied Control Council.

2. Cold War and the Division of Germany

One of the primary reasons for the reluctance to sign a peace treaty was the emergence of the Cold War, which led to:

- The division of Germany into West Germany (FRG) and East Germany (GDR) in 1949.
- The Berlin Crisis and ideological conflict between the U.S. and the USSR, making a unified peace treaty impossible.

- The refusal of the Allies to recognize East Germany as a legitimate successor to Nazi Germany.

Since neither East nor West Germany represented the whole country, signing a peace treaty with only one side would have been seen as an endorsement of Germany's division, something neither superpower wanted at the time.

3. The Legal State of War Persisted for Decades

- The Allied Powers technically remained in a state of war with Germany even after active hostilities ceased in 1945.
- Some countries, such as the Soviet Union and the United States, only formally ended the state of war with Germany through unilateral declarations in the 1950s.
- The lack of a peace treaty meant that Germany had no full sovereignty, limiting its ability to conduct independent foreign policy.

4. The 1954 Paris Agreements: Partial Resolution

- In 1954, the Paris Agreements granted West Germany limited sovereignty and allowed it to join NATO.
- However, this was not a full peace treaty, and East Germany was not included in the agreements.

5. The Final Resolution: The Two Plus Four Agreement (1990)

The closest equivalent to a peace treaty came 45 years after the end of the war in the form of the Two Plus Four Agreement (1990) between:

- The two German states (East and West Germany).
- The four Allied Powers (U.S., U.K., USSR, France).

This agreement:

- Ended Allied control over Germany.
- Recognized Germany's full sovereignty.
- Established Germany's final borders (confirming the loss of territories such as East Prussia to Poland and Russia).
- Allowed German reunification (which officially occurred on October 3, 1990).

However, this was not technically a "peace treaty" because it did not impose new conditions on Germany or formally address wartime reparations beyond previous agreements.

Conclusion

The reluctance to sign a peace treaty with Germany after World War II was driven by:

- Germany's division during the Cold War, making a unified treaty impossible.

- Strategic interests of the Allies, who wanted to control Germany's future.
- Legal complications regarding the war's aftermath and reparations.

Instead of a formal treaty, the war ended through a series of agreements over decades, culminating in the 1990 Two Plus Four Agreement, which effectively served as a substitute for a traditional peace treaty.

8-112.3 Challenges in the Actual Cessation of Hostilities

In international law, the end of active fighting (cessation of hostilities) does not automatically mean that a state of war has legally ended. Even after the guns fall silent, war may continue legally, diplomatically, and politically until a formal resolution is established.

Reasons Why Hostilities May Cease Without Ending the State of War

1. Ceasefires and Armistices Are Temporary

- Many wars stop due to ceasefires or armistice agreements, which only suspend fighting but do not legally terminate the war.
- A war can remain in legal limbo, where hostilities have stopped but the state of war persists.

  Examples:

  - **The Korean War (1950–Present)**: The 1953 Korean Armistice Agreement halted combat but was not a peace treaty. Technically, North and South Korea are still at war.
  - **World War I (1918–1919)**: Fighting ceased with the Armistice of November 11, 1918, but the war legally ended only with the Treaty of Versailles (1919).

2. Legal State of War May Persist Despite No Fighting

- Even if combat has ended, the legal consequences of war (such as trade restrictions, military occupations, or territorial claims) may continue.
- Without a formal treaty or diplomatic resolution, countries may still be considered at war in a legal sense.

  Examples:

  - **The Gulf War (1991)**: After the fighting ended, Iraq remained under sanctions, no-fly zones, and military enforcement, meaning that hostilities stopped but the legal state of war continued.

- **Japan and the Soviet Union (1945–1956)**: Despite the end of fighting in 1945, Japan and the USSR remained in a legal state of war until they signed a Joint Declaration in 1956.

3. War Powers and Legal Restrictions Remain in Effect

- A formal state of war often grants governments special powers (such as military mobilization, economic sanctions, or censorship).
- If a government does not officially terminate the war, it may continue using these powers even in peacetime.

Examples:

- **U.S. "War on Terror" (2001–Present)**: Despite no formal wars declared, the U.S. remains in a legal state of conflict with terrorist groups, allowing the government to use wartime powers indefinitely.
- **World War II's Legal Aftermath**: Many countries formally remained in a state of war with Germany and Japan long after 1945 due to the delay in signing treaties.

4. Diplomatic Relations and Territorial Disputes May Continue

- If a state of war is not formally ended, countries may refuse to restore diplomatic relations or recognize each other.
- Disputed territories captured during war may remain contested for years or decades.

Examples:

- **Russia and Japan (Kuril Islands Dispute)**: Japan and Russia never signed a peace treaty after WWII due to the Kuril Islands dispute, meaning the war's legal status remained unresolved.
- **Israel and Arab States**: Many Arab nations continued to consider themselves at war with Israel for decades, even after active fighting stopped.

Conclusion

The end of hostilities does not necessarily mean the end of war. Instead, war continues legally, diplomatically, and politically until:

1. A formal peace treaty is signed.
2. A declaration of war termination is issued.
3. All legal consequences of war (sanctions, military occupations, etc.) are removed.

This distinction explains why many conflicts remain unresolved for years or even decades, despite no ongoing fighting.

8-113 Modern Forms of Conflict

8-113.1 The Cold War

The Cold War (1947–1991) presented a unique challenge to the concept of neutrality due to its ideological, geopolitical, economic, and military nature. Unlike traditional wars, where neutral states could simply stay out of direct hostilities, the Cold War was a global conflict fought through proxy wars, economic coercion, intelligence operations, and political pressures, making neutrality highly difficult to maintain.

Key Challenges Faced by Neutral States During the Cold War

1. Pressure to Align with Either the U.S. or the USSR

Unlike past conflicts where neutrality was widely respected, during the Cold War, neutrality was often seen as suspicious or as an opportunity for influence by both superpowers.

- The United States and NATO promoted capitalism, democracy, and anti-communism, and pressured neutral countries to join their bloc.
- The Soviet Union and the Warsaw Pact promoted socialism, communism, and anti-imperialism, and sought to bring neutral states into their sphere.
- Neutral states faced economic, political, and sometimes military pressure to align with one side.

Example: Finlandization (Finland and the USSR)

- Finland remained officially neutral but had to adopt pro-Soviet policies to avoid Soviet interference.
- While it was independent, it had to limit criticism of the USSR and avoid Western alliances.

Neutrality was often compromised due to the geopolitical dominance of one of the superpowers.

2. The Role of the Non-Aligned Movement (NAM)

- In response to Cold War pressures, many developing nations formed the Non-Aligned Movement (NAM) in 1961, seeking to avoid entanglement in the superpower rivalry.
- Founding members: Yugoslavia, India, Egypt, Ghana, and Indonesia.

- Objective: To maintain independence and resist external influence.

Challenges for NAM Countries:

- Many NAM states still received aid or military support from either the U.S. or USSR, making true neutrality difficult.
- The superpowers often ignored non-alignment and intervened anyway (e.g., CIA-backed coups, Soviet invasions).

Example: India and the U.S./USSR Rivalry

- India was officially non-aligned but relied on Soviet military aid, raising doubts about its true neutrality.

Despite efforts to remain neutral, the Cold War forced countries into economic, political, or military dependencies, eroding their neutrality.

3. Proxy Wars: Neutrality Was Often Ignored

One of the biggest challenges was that the Cold War was not a direct conflict but instead fought through proxy wars, where local conflicts became battlegrounds for U.S.-Soviet competition.

Examples of Proxy Wars Affecting Neutrality:

- **Korean War (1950–1953):**
  - Countries like Switzerland and Sweden provided humanitarian aid but had to be careful not to be seen as supporting either North or South Korea.
- **Vietnam War (1955–1975):**
  - Neutral states faced pressure to support either the U.S.-backed South Vietnam or the Soviet-backed North Vietnam.
- **Soviet Invasion of Afghanistan (1979–1989):**
  - Neutral countries were pressured to support or condemn the Soviet occupation, and the U.S. armed the Mujahideen, drawing many countries into indirect involvement.

In these cases, neutrality was often disregarded, as global superpowers manipulated local conflicts for their own strategic interests.

4. Economic Neutrality Was Difficult to Maintain

Economic dependence on either the capitalist or communist bloc made neutrality nearly impossible.

- The U.S. provided economic aid through the Marshall Plan (1948) to prevent European countries from turning to communism.
- The Soviet Union created COMECON, an economic bloc that forced Eastern European states to align with Moscow.
- Countries that remained neutral often struggled economically unless they accepted aid from one of the superpowers.

Example: Sweden and Switzerland (Balancing Trade)

- Sweden and Switzerland remained neutral but continued trade with both blocs, drawing criticism from both sides.
- Economic coercion (trade restrictions, embargoes, or military threats) was often used to force alignment.

No country was truly free from economic influence, making neutrality more of an ideal than a reality.

5. Intelligence Warfare and Covert Operations Undermined Neutrality

- The Cold War was defined by covert operations, espionage, and political subversion.
- Neutral states often became battlegrounds for spies, CIA and KGB operations, and political coups.

Examples of Intelligence Challenges for Neutrality:

- Switzerland and Austria were major hubs for espionage due to their neutral status, often harboring spies from both sides.
- The CIA and KGB frequently operated in officially neutral countries, using them as bases for intelligence gathering.
- U.S. and Soviet-backed Coups:
    - The U.S. orchestrated Operation Ajax (Iran, 1953) and the Chilean coup (1973) to remove leaders it saw as sympathetic to communism.
    - The Soviet Union crushed neutrality efforts in Hungary (1956) and Czechoslovakia (1968) by invading and installing pro-Soviet regimes.

Neutral countries had to constantly guard against espionage and foreign intervention, proving that neutrality was not always respected.

6. The Nuclear Threat Made Neutrality Risky

- The Cold War was dominated by the threat of nuclear war, making neutrality dangerous.

- Neutral states were often in strategic locations that made them potential nuclear targets.
- The U.S. and USSR installed military bases and missile systems in various countries, forcing them into the Cold War rivalry.

Example: Sweden's Nuclear Dilemma

- Sweden remained neutral but considered developing nuclear weapons in the 1950s due to fears of Soviet invasion.
- Ultimately, Sweden decided against nuclear weapons, but it relied on a hidden understanding with the U.S. for security guarantees.

Even neutral states had to prepare for the possibility of nuclear war, making true neutrality difficult.

7. The End of the Cold War and the Fate of Neutrality

- The Cold War ended with the collapse of the Soviet Union in 1991, but its impact on neutrality was long-lasting.
- Some traditionally neutral states, such as Sweden and Finland, eventually moved closer to NATO.
- Others, like India and Yugoslavia, had to redefine their non-aligned status in a world no longer dominated by two superpowers.

Lessons from Cold War Neutrality:

1. Neutrality was frequently challenged and sometimes ignored.
2. Economic and political pressures made it nearly impossible to remain uninvolved.
3. Even the most neutral countries had to make compromises to survive.

Conclusion: Cold War Neutrality Was Extremely Difficult

While some nations managed to avoid direct military involvement, true neutrality was nearly impossible due to:

1. Geopolitical pressure to align with either the U.S. or USSR.
2. Proxy wars that disregarded neutrality.
3. Economic coercion that forced countries to take sides.
4. Intelligence operations that undermined neutral governments.
5. The nuclear threat that made neutrality strategically irrelevant.

The Cold War redefined neutrality, proving that even in a global ideological struggle, no country could remain truly uninvolved.

8-113.2 Unopposed Armed Invasion

A neutral state is expected to remain impartial and not participate in conflicts between other nations. However, when a third state is invaded without resistance, neutrality is severely challenged because the absence of military opposition by the invaded country creates legal, moral, and strategic dilemmas for neutral powers.

1. Does the Neutral State Recognize the Invasion as Legal or Illegal?

- If a third state does not resist an invasion, does that mean the invasion is legitimate?
- International law does not permit annexation by force, but if the invaded country does not resist, it creates ambiguity.
- A neutral country must decide whether to:
    - Condemn the invasion (which might endanger its neutrality).
    - Remain silent (which could be seen as passive approval).
    - Recognize the new regime (which may damage relations with other nations).

Example: The Soviet Annexation of the Baltic States (1940)

- The USSR invaded Estonia, Latvia, and Lithuania, and their governments did not offer military resistance to avoid destruction.
- Many neutral states, including Sweden and Switzerland, did not take a strong stance, fearing Soviet retaliation.
- The U.S. and U.K. refused to recognize the annexation, leading to diplomatic complications.

If a neutral country acknowledges an invasion as legitimate, it risks being seen as taking sides, contradicting its neutral stance.

2. The Risk of Indirect Involvement

Even if a neutral state does not send troops, it may still be drawn into the conflict through:

- Refugee crises (as citizens flee from the invaded country).
- Sanctions or trade embargoes (to protest the occupation).
- Allowing or denying passage to fleeing leaders or resistance fighters.

Example: The German Invasion of Czechoslovakia (1939)

- After Germany occupied Czechoslovakia without resistance, many Czech refugees fled to Switzerland and Britain.
- Neutral states had to decide whether to grant asylum, which could be seen as taking a political stance.
- If a neutral state allowed resistance fighters or exiled leaders to operate from its territory, it risked losing its neutrality.

This shows that even inaction can be seen as a political decision, drawing neutral states into conflict.

3. If the Invasion Is Recognized, Does the Neutral State Accept the New Government?

- If an invading power installs a puppet government in the conquered territory, does a neutral state recognize it?
- Recognizing the new government might be seen as supporting aggression, but refusing to recognize it could create diplomatic tensions with the invader.

Example: Vichy France (1940–1944)

- After Germany occupied France, it established the Vichy government.
- Some neutral states, like Spain and Sweden, recognized Vichy France to maintain diplomatic ties.
- Other countries, like the United Kingdom and Free France, refused recognition, seeing it as a collaborationist regime.

This dilemma forces neutral states to choose between pragmatism and principles, risking their impartiality.

4. Economic and Trade Consequences for Neutral States

- If a neutral state continues trade with the occupying power, it may be accused of supporting aggression.
- If it cuts off trade, it risks economic retaliation or being drawn into the conflict.

Example: Sweden’s Trade with Nazi Germany (World War II)

- After Germany occupied Norway and Denmark, Sweden remained neutral but continued trade with Germany to protect its economy.
- The Allies pressured Sweden to stop supplying Germany with iron ore, accusing it of favoring the Axis powers.

- Sweden eventually reduced exports to Germany, balancing economic survival with diplomatic neutrality.

Neutral states struggle to maintain economic independence when a nearby country is invaded without resistance, as trade relations become politically charged.

5. The Moral Dilemma: Should a Neutral State Intervene?

- If a state is invaded without resistance, should neutral countries intervene to protect sovereignty and international law?
- Doing nothing may encourage further aggression, while intervening destroys neutrality.

Example: The Annexation of Crimea (2014, Russia-Ukraine Conflict)

- Russia annexed Crimea from Ukraine without significant Ukrainian military resistance.
- Neutral European countries (like Switzerland and Austria) faced pressure to sanction Russia, but doing so would compromise neutrality.
- Countries like Sweden and Finland (traditionally neutral) started reconsidering joining NATO due to fears of future invasions.

Even if a neutral state does not fight, it may be forced to take economic or political action, weakening its neutrality.

6. Future Security Risks: If One Country Falls Without Resistance, Others May Be Next

- If a neutral state allows one neighbor to be taken over without protest, it may become the next target.
- The invading power may see neutrality as weakness, making the neutral country vulnerable.

Example: The Munich Agreement (1938) and Its Consequences

- Britain and France allowed Germany to take Sudetenland from Czechoslovakia without resistance.
- Hitler saw this as a green light to take the rest of Czechoslovakia.
- This emboldened further aggression, leading to World War II.

Neutral states face a strategic dilemma:

- Protest the invasion, risking conflict.
- Do nothing, risking future attacks.

Conclusion: A Neutral State Cannot Fully Ignore an Armed Invasion Without Resistance

Even if a neutral country does not participate militarily, it faces serious challenges when a third state is invaded without resistance:

1. Recognizing or rejecting the invasion affects its diplomatic stance.
2. Indirect involvement (refugees, trade, sanctions) may draw it into the conflict.
3. Accepting the new regime risks being seen as siding with the aggressor.
4. Economic consequences make neutrality difficult.
5. Moral and legal obligations pressure it to act.
6. Future security concerns make complete inaction risky.

Final Verdict:

Neutrality in such a situation is not passive—whether through diplomacy, trade, or political recognition, neutral states are forced to make decisions that challenge their neutrality.

8-113.3 Limited War

A limited war is a conflict in which the belligerents do not use their full military capabilities or aim for total victory over the enemy. Instead, objectives are often restricted to specific goals, such as controlling a region, weakening an opponent, or achieving diplomatic leverage. Unlike total war, where nations mobilize completely, limited wars may involve controlled military engagement, proxy forces, or specific geographic theaters.

For neutral states, limited wars present unique challenges because the conflict does not escalate into a full-scale war, making it unclear how to apply neutrality laws. Neutrality in these cases is often difficult to maintain due to economic, military, and political pressures from the belligerents.

1. Unclear Boundaries of Neutrality in Limited Wars

- In a limited war, belligerents may not seek total conquest or complete destruction of an enemy, but this does not mean they will respect neutral states.

- Unlike full-scale wars where neutral states clearly separate themselves, in limited wars, they often face indirect involvement through economic, diplomatic, or logistical means.

Example: The Vietnam War (1955–1975)

- The U.S. was engaged in a limited war in Vietnam, meaning it did not fully mobilize against North Vietnam.
- Laos and Cambodia tried to remain neutral but were drawn into the conflict due to the Ho Chi Minh Trail, which was used by North Vietnamese forces.
- The U.S. bombed neutral Cambodian and Laotian territory, violating their sovereignty.
- Despite not actively participating in the war, Laos and Cambodia were forced into it due to geography and military necessity.

This highlights how, in limited wars, neutral states often become battlegrounds or strategic assets, even if they do not actively participate.

2. Economic and Trade Dilemmas for Neutral States

- Neutral countries in a limited war often continue trading with both sides, which can be seen as indirectly supporting one party.
- Belligerents may pressure neutral states to stop trade with the enemy or impose sanctions to force compliance.

Example: Sweden's Role in the Iran-Iraq War (1980–1988)

- The Iran-Iraq War was a limited war, with neither country seeking total destruction of the other.
- Sweden and other neutral European nations continued to sell weapons and industrial goods to both sides.
- The U.S. and its allies pressured European states to reduce trade with Iran, while Iraq also sought economic support.
- Neutral nations had to navigate political and diplomatic pressures while maintaining trade relationships.

This shows that neutrality is compromised when economic pressure is applied, especially in wars where full-scale mobilization is absent.

3. Proxy Conflicts and Indirect Involvement

- Limited wars often involve proxy forces, meaning neutral states may host or interact with rebel groups, militias, or intelligence agencies operating within their borders.
- This creates gray zones where a neutral state is technically uninvolved but indirectly supporting one side.

Example: Pakistan's Role in the Soviet-Afghan War (1979–1989)

- The war was a limited conflict—the U.S. and NATO did not send troops but supported Afghan rebels.
- Pakistan claimed neutrality but became the base for U.S. and Saudi-backed Mujahideen fighters.
- The USSR accused Pakistan of aiding the enemy, even though Pakistan officially maintained neutrality.
- Soviet forces conducted airstrikes near the Pakistan-Afghanistan border, violating Pakistani airspace.

Neutral states in limited wars often become host to indirect operations, whether intelligence activities, supply routes, or rebel movements, making neutrality difficult to enforce.

4. Intelligence Warfare and Covert Operations in Neutral States

- Limited wars often involve covert operations, meaning neutral states become intelligence battlegrounds for both sides.
- Belligerents use spying, sabotage, and political manipulation in neutral territories.

Example: Switzerland During the Cold War

- While Switzerland was officially neutral, it was a hub for espionage between NATO and Warsaw Pact agents.
- Limited conflicts, such as the Korean War and Middle East conflicts, saw Swiss-based spies conducting operations against both sides.
- The country remained neutral in military terms but was deeply involved in intelligence activities against its will.

Neutral states cannot completely avoid involvement when limited wars involve covert operations and intelligence gathering.

5. Diplomatic Pressure to Take a Position

- In limited wars, neutral states are often pressured to support one side diplomatically, even if they remain militarily neutral.

- International organizations, such as the United Nations, may push neutral states to vote on resolutions condemning or supporting one party.

Example: The Falklands War (1982)

- The U.K. and Argentina fought a limited war over the Falkland Islands.
- Neutral European countries, including Sweden and Switzerland, faced pressure to support U.K.-backed UN resolutions condemning Argentina.
- Latin American neutral states were pressured to back Argentina, given regional solidarity.
- Even without military involvement, diplomatic neutrality was challenged by alliances, regional interests, and international expectations.

This shows that in limited wars, neutrality is not just about military non-involvement—diplomatic positioning can also compromise a state's neutral status.

6. Military and Strategic Vulnerability of Neutral States

- Neutral states in limited wars may still suffer collateral damage or become military targets if their territory is used for strategic purposes.
- Belligerents may ignore neutrality if they need supply routes, military bases, or airspace access.

Example: Turkey and the Syrian Civil War

- While Turkey initially tried to remain neutral in Syria’s conflict (a limited war), it was forced to respond to border conflicts, refugee crises, and cross-border military operations.
- Turkish airspace and territory were violated multiple times by Russian and Syrian forces, making it impossible to maintain strict neutrality.

Limited wars may not involve total national mobilization, but neutral states near the conflict zone are still at risk.

Conclusion: Limited Wars Challenge Neutrality in Unique Ways

While limited wars do not involve full-scale destruction, they blur the lines of neutrality, making it difficult for neutral states to remain uninvolved. The main challenges include:

1. Unclear legal and territorial boundaries – Neutral states may be unintentionally drawn into military operations.

2. Economic and trade dilemmas – Neutral states face pressure to cut off or maintain trade with warring factions.
3. Proxy warfare and intelligence conflicts – Neutral states often host covert operations, spies, and rebel groups.
4. Diplomatic pressure to take sides – International bodies and allies may push neutral states to condemn or support belligerents.
5. Military vulnerability and collateral damage – Even if neutral, a country may become a target due to geography or strategic importance.

Final Verdict:
In limited wars, neutrality is more difficult to maintain because conflicts are not formally declared, involve indirect military action, and frequently disregard neutral status. Even states that declare neutrality often find themselves indirectly involved, making the traditional concept of neutrality increasingly difficult in modern warfare.

8-113.4 Non-War Hostilities

Non-war hostilities refer to aggressive actions that fall short of declared war but still involve military operations, economic sanctions, cyberattacks, or covert operations. These types of conflicts create serious challenges for neutrality, as they blur the lines between war and peace, making it difficult for neutral states to enforce their status.

Unlike traditional wars, where neutrality is a clearly defined legal status, non-war hostilities create gray areas where neutral states may still be pressured, targeted, or drawn into conflicts, even if no official war exists.

1. Lack of Formal War Declaration Makes Neutrality Hard to Define

- Traditional neutrality is based on the Hague Conventions (1907), which define neutral rights and duties in times of war.
- In non-war hostilities, no formal war exists, so belligerents do not necessarily respect neutrality.
- Neutral states are often forced to decide whether they should apply war-time neutrality rules or remain passive.

Example: The Cold War (1947–1991)

- The U.S. and USSR engaged in proxy wars, economic warfare, and intelligence operations, but neither formally declared war.

- Neutral states like Sweden, Austria, and Switzerland faced espionage, economic coercion, and diplomatic pressure despite not being at war.
- Neutrality was often ignored or manipulated, as non-war hostilities operated outside traditional war definitions.

Neutrality becomes difficult to maintain when war is never officially declared but hostilities still exist.

2. Economic Warfare Forces Neutral States to Choose Sides

- Economic blockades, sanctions, and trade restrictions are common non-war hostilities that impact neutral states.
- Belligerents often pressure neutral countries to join economic measures, making neutrality impractical.

Example: U.S. Sanctions on Cuba (1962–Present)

- The U.S. imposed a trade embargo on Cuba, forcing neutral countries to choose whether to comply or resist.
- Neutral European nations faced U.S. economic retaliation if they continued trade with Cuba.
- Even without a war, economic sanctions pressured neutral states into taking a position.

Economic warfare violates the principle of neutrality, as it forces states to align economically even if they remain militarily neutral.

3. Cyber Warfare and Neutrality: A New Challenge

- In the modern era, cyberattacks have become a major form of non-war hostilities, directly impacting neutral states.
- Unlike traditional warfare, cyber warfare does not recognize borders, making it difficult for neutral states to remain uninvolved.
- Hacking, election interference, and sabotage may occur even if a country is officially neutral.

Example: Cyberattacks on Neutral Nations

- Estonia (2007) suffered a massive cyberattack allegedly linked to Russia, despite not being in a declared war.

- Switzerland, known for neutrality, has been a target of cyber espionage from major global powers.

Cyber warfare ignores traditional neutrality principles, making neutral states vulnerable despite their status.

4. Covert Military Operations Violate Neutrality

- Non-war hostilities often involve covert military operations, where states conduct special forces missions, assassinations, or sabotage without formally declaring war.
- Neutral states may become unwilling hosts for military operations, raising questions about whether they are still neutral.

Example: Israeli Covert Operations in Iran

- Israel has conducted covert sabotage and assassinations in Iran without an official war declaration.
- Neutral countries in the region, such as Oman and Qatar, must decide whether to ignore, condemn, or prevent such actions.

Covert military actions disregard neutral status, making it difficult for neutral states to avoid involvement.

5. Proxy Conflicts and Insurgencies Challenge Neutrality

- Instead of direct wars, many conflicts involve proxy forces and insurgencies, making it unclear whether neutral states should intervene.
- Neutral countries may be accused of harboring insurgents or supplying aid to one side, even if unintentionally.

Example: Syria’s Civil War and the Refugee Crisis

- The Syrian Civil War involved multiple foreign-backed factions, but no official war between major powers.
- Neutral countries like Turkey, Jordan, and Lebanon struggled to remain uninvolved while dealing with millions of refugees and insurgent movements.
- Airstrikes and cross-border skirmishes repeatedly violated neutral borders.

Proxy conflicts blur the distinction between war and neutrality, forcing neutral states into difficult diplomatic positions.

6. The Gray Area of Military Exercises and Arms Sales

- In non-war hostilities, military posturing—such as war games, naval blockades, and arms transfers—challenges neutrality.
- If a neutral state allows military exercises or arms sales, it may be seen as favoring one side.

Example: Sweden's Military Cooperation with NATO

- Sweden is officially neutral but has conducted joint military exercises with NATO, raising Russian concerns.
- Although not at war, Sweden's military actions complicate its neutral position.

Military engagements in non-war scenarios create uncertainty about whether a state is truly neutral.

7. Diplomatic and Political Pressure Undermines Neutrality

- In non-war hostilities, neutral countries face diplomatic pressure to take sides, even if they are not directly involved.
- International organizations, alliances, and economic unions often force neutral states to make statements or take positions.

Example: The Ukraine Conflict (2014–Present)

- Many neutral states faced pressure to condemn Russia's annexation of Crimea despite not being in a war.
- Switzerland, known for its neutrality, had to balance diplomatic relations while facing EU and U.S. sanctions pressure.

Even without military action, neutrality is challenged through diplomatic means.

Conclusion: Non-War Hostilities Make Neutrality Nearly Impossible

In traditional wars, neutrality is a clear legal status, but in non-war hostilities, the lines are blurred, creating new challenges:

1. No official war declaration → Belligerents do not respect neutrality.
2. Economic sanctions and trade pressures → Neutral states are forced to take sides.
3. Cyber warfare ignores borders → Neutrality offers no protection from cyberattacks.
4. Covert operations violate sovereignty → Neutral states are used as battlegrounds for intelligence wars.

5. Proxy wars and insurgencies complicate neutrality → Neutral countries are accused of aiding one side.
6. Military posturing and arms sales → Can make a neutral country appear aligned with one side.
7. Diplomatic pressure forces alignment → Neutral states are compelled to make political statements.

Final Verdict: Neutrality is Difficult to Maintain in a World of Non-War Hostilities

- While traditional neutrality worked in past wars, modern conflicts involving economic, cyber, and intelligence warfare make neutrality almost impossible.
- Even if a country does not participate in direct war, it is often forced to take positions, respond to threats, and navigate economic or political consequences.
- The reality is that non-war hostilities ignore traditional neutrality principles, making neutrality more of an ideal than a practical reality in today's world.

8-12 The Prohibition of War

8-121 The Growing Suppression of the Concept of War

8-121.1 Prohibition of War Under International Treaties

8-121.11 Kellogg Pact

The Kellogg-Briand Pact, officially known as the Pact of Paris (1928), was a landmark international agreement that sought to prohibit war as an instrument of national policy. It was one of the earliest attempts to legally ban aggressive war and promote peaceful conflict resolution.

Despite its idealistic goals, the Kellogg-Briand Pact ultimately failed to prevent war, and its limitations exposed the challenges of enforcing international peace through legal mechanisms.

1. Key Provisions of the Kellogg-Briand Pact

- Signed on August 27, 1928, by 15 nations, later joined by more than 60 countries.
- Main commitment:
    - Signatories renounced war as a means of settling disputes.
    - War could only be used for self-defense.
- Legally non-binding → No enforcement mechanism or consequences for violations.

This treaty marked the first global attempt to outlaw war, but its effectiveness was soon tested.

2. The Pact's Major Weaknesses

Despite its ambitious goal of banning war, the Kellogg-Briand Pact had serious flaws that made it ineffective:

a) No Enforcement Mechanism

- The pact did not include any penalties or military enforcement against violators.
- If a country ignored the treaty and waged war, there were no legal consequences.
- Example: Japan invaded Manchuria (1931) in violation of the pact, but no punishment followed.

b) No Clear Definition of "Self-Defense"

- Countries could still use military force under the excuse of self-defense.
- Aggressors could claim they were acting preemptively or responding to threats.
- Example: Germany justified its invasions in the 1930s by claiming defensive motives.

c) The Rise of Expansionist Powers Ignored the Pact

- Japan, Germany, and Italy all signed the pact but later pursued aggressive wars.
- The League of Nations lacked the power to stop these countries.
- Example: World War II broke out just 11 years after the pact was signed.

3. Did the Kellogg-Briand Pact Have Any Positive Impact?

Despite its failures, the pact was not entirely meaningless. It influenced later international laws on war and aggression:

a) Foundation for the UN Charter (1945)

- After World War II, the United Nations Charter incorporated similar principles:
    - Article 2(4) of the UN Charter prohibited the use of force, except for self-defense.
    - The UN Security Council was created to enforce peace.
- The Kellogg-Briand Pact set the precedent for international law restricting war.

b) Legal Basis for War Crimes Trials

- After WWII, Nazi leaders were prosecuted at the Nuremberg Trials (1945-1946) for crimes against peace.
- The idea that aggressive war is illegal came directly from the Kellogg-Briand Pact.

c) Shaping Modern International Law

- The pact laid the groundwork for later treaties, such as:
    - The Geneva Conventions (1949) – regulating wartime conduct.

- The Rome Statute (1998) – establishing the International Criminal Court (ICC) to prosecute war crimes.

4. Key Historical Violations of the Pact

- Japan invaded Manchuria (1931) – No consequences.
- Italy invaded Ethiopia (1935) – League of Nations condemned it but took no action.
- Germany invaded Poland (1939) – Led to World War II despite the pact.
- USSR invaded Finland (1939) – Another example of the pact being ignored.

These cases showed that paper agreements were not enough to prevent war, especially when powerful nations acted aggressively without fear of consequences.

5. The Pact's Legacy: A Symbolic but Unrealistic Attempt at Peace

- The Kellogg-Briand Pact was a failure in stopping war, but it was a stepping stone for modern international law.
- It proved that banning war required stronger enforcement mechanisms, which led to the creation of the United Nations.
- While it did not prevent World War II, its principles still shape global diplomacy today.

Conclusion: An Idealistic but Weak Attempt to End War

- Successes:

- First major treaty attempting to ban war.
- Influenced modern international law and the UN Charter.
- Used as a legal basis for war crimes trials after WWII.

- Failures:

- No enforcement mechanisms, making it easy to ignore.
- No clear definition of self-defense, allowing loopholes.
- Failed to prevent World War II and later conflicts.

The Kellogg-Briand Pact was ultimately ineffective in stopping war but helped create the legal and moral foundation for modern efforts to maintain peace.

8-121.12 Charter of the United Nations

The United Nations (UN) Charter, signed on June 26, 1945, and in effect since October 24, 1945, is the foundational document of the United Nations and represents a major development in the international prohibition of war. It established legal restrictions on the use

of force and introduced a collective security system to replace previous ineffective treaties, such as the Kellogg-Briand Pact (1928) and the League of Nations Covenant (1919). While the UN Charter aimed to prevent war, its effectiveness has been challenged by geopolitical realities, loopholes, and the interests of powerful states.

1. The Core Prohibition of War Under the UN Charter

a) Article 2(4): General Prohibition of the Use of Force

- Article 2(4) of the UN Charter states:

  > "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."
- This is the strongest legal prohibition of war in history, banning the use of force except under specific conditions.
- It applies to all UN member states and is considered customary international law, binding even on non-members.

However, the Charter allows exceptions to this general prohibition.

2. Exceptions to the Prohibition of War

Despite banning war, the UN Charter permits military action in two cases:

a) Self-Defense (Article 51)

- If a country is attacked, it has the right to use military force in self-defense.
- Article 51 states:

  > "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations."
- Example: The U.S. invasion of Afghanistan (2001) was justified under self-defense following the 9/11 terrorist attacks.
- Controversy: Some states have used broad interpretations of self-defense to justify preemptive military actions (e.g., the U.S. invasion of Iraq in 2003).

b) UN Security Council Authorization (Chapter VII, Articles 39-42)

- The UN Security Council (UNSC) can authorize the use of force if it determines a situation is a "threat to international peace and security."
- Articles 39-42 empower the UNSC to approve military action, including:
  - Economic sanctions.
  - Peacekeeping missions.
  - Military intervention if necessary.

- Example: The Gulf War (1991) was authorized by UN Resolution 678, allowing military force against Iraq after its invasion of Kuwait.
- Controversy: Permanent members of the UNSC (U.S., China, Russia, U.K., France) have veto power, often preventing military action when their interests are at stake (e.g., Russia's vetoes on action in Syria).

3. Challenges in Enforcing the Prohibition of War

Despite its legal authority, the UN Charter has struggled to fully prevent war due to:

a) The Role of Powerful States and UNSC Veto Power

- Major powers have bypassed the UN when military intervention suited their interests.
- Example: The U.S. invasion of Iraq (2003) was not authorized by the UN, yet the war still occurred.
- Example: Russia annexed Crimea (2014) despite UN condemnation, demonstrating that major powers often act regardless of the prohibition of war.

b) Unilateral and Preemptive Wars

- Some nations have interpreted self-defense broadly, launching preemptive wars without UN approval.
- Example: Israel bombed an Iraqi nuclear reactor in 1981, claiming preemptive self-defense, even though Iraq had not launched an attack.
- Example: NATO's intervention in Kosovo (1999) occurred without UN approval, arguing for humanitarian intervention.

c) Non-State Actors and Asymmetrical Warfare

- The UN Charter was designed for conflicts between states, but modern conflicts involve terrorist groups, insurgencies, and cyber warfare.
- Example: The War on Terror has led to military actions in countries not directly responsible for an attack.
- Example: Russia justified intervention in Ukraine (2022) by claiming to be fighting Nazi groups, even though Ukraine is a sovereign state.

4. The UN's Alternative to War: Collective Security and Peacekeeping

a) Peacekeeping Missions

- Instead of war, the UN deploys peacekeeping forces to maintain stability in conflict zones.
- Example: UN peacekeepers were deployed in Bosnia (1992-1995) and Rwanda (1994) to prevent genocide.

- Limitations: Peacekeepers are often underfunded and restricted, making them ineffective in stopping large-scale conflicts (e.g., failure to prevent the Rwandan Genocide).

b) Diplomatic Resolutions

- The UN promotes diplomatic solutions instead of war, using:
    - Mediation.
    - Sanctions.
    - Conflict prevention programs.
- Example: The Iran Nuclear Deal (2015) was a UN-backed effort to avoid military conflict through diplomacy.

5. Successes and Failures of the UN's War Prohibition

- Successes:

- Established a legal norm against war, making military aggression widely condemned.
- Used peacekeeping and diplomacy to prevent conflicts (e.g., preventing war between Israel and Egypt in 1956).
- Provided a legal basis for prosecuting war crimes (e.g., Nuremberg Trials, ICC).

- Failures:

- Major wars have still occurred, often without consequences (e.g., Vietnam War, Iraq War, Russian invasion of Ukraine).
- UNSC veto power prevents enforcement in cases where permanent members have a stake.
- The rise of non-state actors (terrorist groups, cyber warfare) makes traditional enforcement difficult.

Conclusion: The UN Charter and the Reality of War

The UN Charter represents the strongest legal attempt to prohibit war in history, but its enforcement is limited by political realities. While it has reduced the acceptability of aggressive war, it has not eliminated war itself due to:

1. The role of powerful states ignoring the rules.
2. Legal loopholes in self-defense and humanitarian intervention.
3. The complexity of modern conflicts involving non-state actors.

Final Verdict:

The prohibition of war under the UN Charter is a major legal achievement, but it remains an imperfect system, requiring stronger enforcement mechanisms and reform to effectively prevent conflicts in the modern world.

8-121.2 Prohibition of War Through a General Customary Norm

Customary international law consists of general principles and practices that are widely accepted by the international community as legally binding, even without written treaties. Over time, the prohibition of war has evolved into a customary international law norm, making aggressive war illegal even for states that have not signed specific treaties like the UN Charter or the Kellogg-Briand Pact.

However, while the norm against war is widely accepted, enforcement remains challenging, especially when powerful states violate it without consequences.

1. The Evolution of War Prohibition into Customary Law

The idea that aggressive war is illegal developed through a combination of treaties, court rulings, and state practices:

a) The Kellogg-Briand Pact (1928)

- First attempt to legally outlaw war.
- Though ineffective in preventing war, it influenced later legal norms.

b) The UN Charter (1945)

- Article 2(4) explicitly bans the use of force, except in self-defense or with UN authorization.
- Widely accepted as binding customary law, even for non-UN members.

c) The Nuremberg and Tokyo Trials (1945–1946)

- First time individuals were prosecuted for crimes of aggression.
- Established the principle that aggressive war is a crime under international law.

d) The Rise of State Practice and Legal Precedents

- Over time, nations have accepted the prohibition of war as a fundamental principle of international law.
- Violations (e.g., Iraq's invasion of Kuwait in 1990) were met with global condemnation and UN action.
- Today, wars of aggression are considered illegal under customary law, even if no treaty explicitly applies.

2. Customary Law Prohibits Aggressive War, But Not All Uses of Force

While aggressive war is widely prohibited, some uses of force remain legal:

a) Self-Defense

- Customary law recognizes the right to self-defense, as seen in Article 51 of the UN Charter.

- Example: The U.S. justified its invasion of Afghanistan (2001) as self-defense after 9/11.

b) Collective Security (UN-Authorized Force)

- If the UN Security Council approves military action, it is not considered aggression.
- Example: The Gulf War (1991) was authorized by the UN after Iraq's illegal invasion of Kuwait.

c) Humanitarian Intervention (Controversial)

- Some states argue for the right to intervene militarily to prevent genocide or crimes against humanity.
- Example: NATO's bombing of Serbia (1999) to stop ethnic cleansing in Kosovo.
- Debate: Some view this as illegal aggression, while others see it as a moral obligation.

3. Enforcement Challenges: Why Do Wars Still Happen?

Even though aggressive war is prohibited by customary international law, wars still occur due to gaps in enforcement:

a) No Universal Enforcement Mechanism

- Customary law depends on state compliance, but no global police force exists to stop aggression.
- Example: Russia invaded Ukraine (2022) despite the prohibition of war, and the UN could not prevent it.

b) The Role of Powerful States

- Major powers violate the prohibition of war without facing serious consequences.
- Example: The U.S. invasion of Iraq (2003) lacked UN approval, but no sanctions followed.

c) Ambiguities in "Self-Defense"

- Some countries use self-defense as an excuse for preemptive attacks.
- Example: Israel bombed an Iraqi nuclear reactor (1981), calling it preemptive self-defense.

4. The Impact of the Customary Prohibition of War

Despite enforcement challenges, the customary norm against war has had major legal and diplomatic effects:

- Successes:

- Wars of aggression are widely condemned and no longer seen as a legitimate tool of state policy.

- International criminal courts (e.g., ICC) prosecute war crimes, reinforcing accountability.
- Economic and diplomatic consequences (sanctions, isolation) deter some states from waging aggressive wars.

- Failures:

- Major powers violate the rule without consequences (e.g., Russia in Ukraine, U.S. in Iraq).
- Customary law does not prevent wars—it only punishes them after they happen.
- The UN Security Council's veto power limits enforcement, allowing aggressors to escape accountability.

5. Conclusion: The Prohibition of War as a Legal Ideal vs. Political Reality

The prohibition of war under customary international law is one of the strongest legal norms in global governance, but enforcement remains weak.

1. The norm exists → Aggressive war is widely illegal.
2. It shapes global reactions → Wars of conquest face universal condemnation.
3. It lacks enforcement → Powerful states still violate it without consequences.

Final Verdict:

While the prohibition of war has changed international law, it has not eliminated war itself, proving that legal norms alone cannot stop political and military realities.

8-13 Advance of Defense Alliances

Neutrality has traditionally meant that a state does not participate in military alliances, conflicts, or wars. However, the expansion of defense alliances like NATO, the CSTO (Collective Security Treaty Organization), and regional security pacts has created serious challenges for neutral states, forcing them to redefine, adapt, or abandon neutrality altogether.

As defense alliances grow in influence, remaining neutral becomes increasingly difficult due to geopolitical pressure, security dilemmas, economic dependencies, and shifting military strategies.

1. The Pressure to Choose Sides

a) Security Guarantees vs. Neutrality

- As defense alliances grow, neutral states face pressure to join for security reasons.

- In times of war or crisis, neutral countries risk being seen as vulnerable or strategically isolated.
- Example: Sweden and Finland (2022–2023)
    - Both countries were historically neutral but chose to join NATO after Russia invaded Ukraine.
    - The risk of being left unprotected in an alliance-driven security environment led to a shift away from neutrality.

b) Political and Economic Pressure

- Defense alliances influence international relations, trade, and diplomacy.
- Neutral states face sanctions, economic disadvantages, or loss of trade deals if they refuse to align.
- Example: Switzerland and EU-NATO Relations
    - Switzerland remains militarily neutral but participates in European defense cooperation under pressure from NATO and the EU.
    - Its neutrality is increasingly symbolic rather than absolute.

2. The Security Dilemma: Neutrality Becomes a Weakness

a) Military Threats from Expanding Alliances

- As alliances grow, rival states see neutral countries as weak spots.
- Neutral states bordering alliance territories become potential buffer zones or targets.
- Example: Ukraine Before 2014
    - Ukraine declared neutrality in 2010 but faced Russian aggression in 2014 because it was outside NATO's protection.
    - Neutrality failed to prevent conflict.

b) The Need for Defense Commitments

- Neutral states may need stronger defense to survive in a world of alliances.
- Example: Switzerland's Military Policy
    - Though neutral, Switzerland maintains a strong military and conscription system due to fears of external threats.

3. Intelligence, Espionage, and Covert Operations

- Defense alliances conduct intelligence sharing, surveillance, and espionage.
- Neutral states may become hotbeds for intelligence activities, compromising their neutrality.
- Example: Austria and the Cold War
    - Despite neutrality, Austria was a center for CIA and KGB espionage.
    - Defense alliances often ignore neutrality when conducting covert operations.

4. Economic and Technological Dependence on Military Alliances

- Defense alliances often control military technology, defense contracts, and economic agreements.
- Neutral states relying on alliance technology risk indirectly supporting military blocs.
- Example: Swiss Arms Exports
    - Switzerland sells weapons globally but faces restrictions from NATO and the EU on who it can trade with.
    - Despite neutrality, it must align with Western arms policies.

5. Increased Hybrid Warfare and Cyber Threats

- Defense alliances invest heavily in cyber warfare and hybrid conflict strategies.
- Neutral states, even without military conflicts, become targets of cyberattacks, disinformation, and economic warfare.
- Example: Finland and Russian Cyberattacks (Pre-NATO Membership)
    - Before joining NATO, Finland faced cyberattacks and political pressure from Russia, making neutrality difficult to sustain.

6. Diplomatic Pressures and the Changing Meaning of Neutrality

a) Diplomacy vs. Military Commitments

- Some neutral states participate in diplomatic peace efforts while avoiding military commitments.
- Example: Ireland and the EU
    - Ireland is neutral militarily but supports EU defense cooperation, blurring its neutrality.

b) Semi-Neutral Status

- Many neutral states cooperate with alliances but avoid full membership.
- Example: Austria and Sweden (Before NATO Consideration)
    - Both were part of EU security structures but avoided full NATO membership—until Sweden decided to join in 2022.

7. The Future of Neutrality in an Alliance-Driven World

- True neutrality is becoming rare, as military alliances expand.
- Countries are forced to choose between isolation or integration into security networks.
- Hybrid alliances, partial membership, or strategic alignments replace full neutrality.

Conclusion: Neutrality Is Increasingly Difficult in a World of Expanding Defense Alliances

Neutral states face mounting pressure from military alliances, forcing them to either:

1. Join alliances for protection (e.g., Finland & Sweden into NATO).
2. Maintain military strength to remain credible (e.g., Switzerland).
3. Engage in partial cooperation (e.g., Austria in EU defense projects).

Final Verdict:

Neutrality in its traditional form is disappearing, as states must navigate an increasingly alliance-based security order.

8-2 Territorial (Where)

8-21 Limited Territorial Scope of Application

8-211 Hague Conventions V and XIII Ratified by Few States

The Hague Conventions of 1907 were the first major international treaties that codified the laws of neutrality in both land (Convention V) and naval warfare (Convention XIII). However, their effectiveness and territorial application have been limited because only a few states ratified them, and many modern conflicts do not follow traditional neutrality principles.

1. Limited Ratification of the Hague Conventions V and XIII

- While many states signed the Hague Conventions, only some ratified them, meaning they did not become legally binding for all nations.
- In modern times, new states formed after decolonization (e.g., many African and Asian nations) never ratified the conventions, making them legally non-binding in large parts of the world.

Examples of Limited Ratification Impacting Neutrality:

- World War I (1914–1918): Many countries ignored neutrality rules, violating Belgium's neutrality despite its Hague protections.
- World War II (1939–1945): Germany disregarded neutrality by invading Norway, Denmark, and the Netherlands.
- Modern Conflicts: The Hague Conventions are rarely invoked in post-Cold War conflicts, as neutrality principles have been overshadowed by collective security mechanisms (e.g., UN and NATO).

Since not all states ratified the Hague Conventions, the territorial scope of legal neutrality is not universal, limiting its application.

2. The Hague Conventions Apply Only to Traditional Warfare

- Hague Conventions V and XIII were designed for wars between states, not modern conflicts involving:
    - Non-state actors (terrorist groups, insurgencies)
    - Cyber warfare
    - Hybrid warfare and proxy conflicts
- Many modern conflicts do not fit within the Hague framework, limiting the application of neutrality.

Example: Russia-Ukraine War (2022)

- Ukraine is not a neutral state, but surrounding nations struggled with neutrality issues regarding arms transfers.
- Cyber warfare and hybrid tactics made it difficult for neutral states to remain uninvolved.

Since Hague neutrality rules were written for conventional warfare, their applicability to modern geopolitical conflicts is limited.

3. Lack of Enforcement Mechanisms

- The Hague Conventions lack a strong enforcement mechanism, making violations common and unpunished.
- Example: The U.S. Violations of Nicaraguan Neutrality (1980s)
    - Nicaragua took the U.S. to the International Court of Justice (ICJ) for supporting Contra rebels, violating neutrality.
    - The ICJ ruled in favor of Nicaragua, but the U.S. ignored the ruling.
    - This demonstrated the weak enforcement of neutrality laws.

Without strong enforcement mechanisms, the territorial scope of neutrality remains weak, as violations often go unpunished.

4. Neutrality Is Replaced by Collective Security Mechanisms

- After World War II, neutrality principles weakened as the United Nations (UN) and NATO emphasized collective security.

- Instead of remaining neutral, many states align with security alliances to protect themselves.
- Example: Finland and Sweden Joining NATO (2022–2023)
    - Previously neutral, but due to Russian aggression, both nations abandoned neutrality for collective security.

Since defense alliances have replaced traditional neutrality, the Hague Conventions' territorial relevance has diminished.

Conclusion: The Territorial Scope of Neutrality Is Limited

- Why?

1. Few states ratified Hague Conventions V and XIII, making them non-universal.
2. Modern conflicts (cyber, hybrid, terrorism) do not fit Hague neutrality rules.
3. There is no strong enforcement mechanism, so violations occur without consequences.
4. Collective security (UN, NATO) has replaced neutrality, reducing the conventions' practical importance.

Final Verdict:

The Hague Conventions' neutrality principles are still legally valid but have limited territorial application because not all states ratified them, and modern warfare has changed neutrality's role in international law.

8-212 The Universal Participation Clause

The Hague Conventions of 1907, particularly Convention V (Neutral Powers in Land Warfare) and Convention XIII (Neutral Powers in Naval Warfare), sought to establish clear rules of neutrality in wartime. However, their territorial scope is limited because of the universal participation clause, which restricts their application to conflicts only if all belligerents are parties to the conventions. This limitation has weakened the legal enforcement of neutrality, making it difficult to apply in many modern conflicts.

1. The Universal Participation Clause: A Major Limitation

- The Hague Conventions V and XIII include a universal participation requirement, meaning they only apply if all warring parties have ratified them.
- If even one belligerent is not a party, the conventions lose legal applicability in that conflict.

Example: World War I (1914–1918)

- While many European countries had ratified the Hague Conventions, not all belligerents were parties.
- Germany invaded neutral Belgium, violating its neutrality, but Hague V was not fully enforceable because not all participants were bound by it.

This legal loophole made neutrality protections weak and inconsistent.

2. The Hague Conventions Do Not Apply to Non-Signatory States

- The non-universal ratification of Hague V and XIII means that conflicts involving non-signatory states are not covered.
- Many modern wars involve non-state actors, terrorist groups, or nations that never ratified the conventions, making neutrality laws irrelevant in those situations.

Example: The Soviet Invasion of Finland (1939)

- The USSR had not ratified Hague Convention V, meaning Finland's neutrality was not legally protected under the convention.
- The invasion proceeded without legal consequences under Hague law, highlighting the convention's territorial limitations.

Since not all states are bound by Hague neutrality rules, the conventions fail to provide universal protection.

3. Many Newly Independent States Never Ratified the Conventions

- The Hague Conventions were signed in 1907, before most modern states gained independence.
- After decolonization, many newly independent nations never ratified the conventions.
- This means that neutrality under Hague law does not apply in many parts of the world.

Example: Post-Colonial Conflicts in Africa and Asia

- Many African and Asian countries were not independent in 1907, so they did not sign or ratify the Hague Conventions.
- Wars such as the Vietnam War (1955–1975) and the Angolan Civil War (1975–2002) were not subject to Hague neutrality rules due to lack of universal participation.

This further limits the territorial scope of Hague neutrality rules.

4. The Rise of Non-State Actors Makes Hague Neutrality Inapplicable

- Hague neutrality rules were designed for wars between states, not for modern conflicts involving terrorists, militias, and cyber warfare.
- Since non-state actors are not parties to the Hague Conventions, neutrality rules do not apply to wars involving them.

Example: The War on Terror (2001–Present)

- The Hague Conventions do not regulate conflicts against terrorist organizations like Al-Qaeda or ISIS.
- Countries fighting non-state groups ignore neutrality laws, targeting militants even in neutral territories (e.g., U.S. drone strikes in Pakistan and Yemen).

Since many modern conflicts do not involve two or more Hague signatories, neutrality is not legally protected in those cases.

5. Neutrality Has Been Replaced by UN-Based Security Systems

- The United Nations (UN) created a collective security system that replaced the Hague neutrality framework.
- Under the UN Charter, neutrality is often ignored when the UN authorizes military action.

Example: The Gulf War (1991)

- The UN authorized military force against Iraq after its invasion of Kuwait.
- Neutrality was not respected, as the UN-led coalition treated Iraq as an aggressor regardless of Hague neutrality principles.

Since UN Security Council decisions override traditional neutrality, the Hague neutrality rules are often bypassed.

6. The Hague Conventions Do Not Apply to Cyber Warfare

- Modern conflicts involve cyberattacks, hybrid warfare, and economic warfare, none of which are covered by the Hague Conventions.
- Neutral states are frequently attacked in cyberspace, but there is no Hague-based protection.

Example: Cyberattacks Against Switzerland

- Although Switzerland is a neutral country, it has been targeted by cyberattacks from multiple countries.
- Hague Convention V offers no legal framework for dealing with cyberwarfare neutrality violations.

This further reduces the territorial scope of Hague neutrality protections.

Conclusion: Hague Neutrality Is Limited by the Universal Participation Clause - Why?

1. If even one warring party is not a signatory, the conventions do not apply.
2. Newly independent states after decolonization never ratified the Hague Conventions.
3. Modern wars involve non-state actors, making Hague neutrality irrelevant.
4. UN-led security systems override traditional neutrality rules.
5. Cyber warfare is not covered by the Hague neutrality framework.

Final Verdict:

The Hague Conventions' neutrality protections are outdated and limited in territorial application because of the universal participation clause, which prevents them from being applied in most modern conflicts.

8-22 A Neutral Can Limit the Territorial Scope of Application
8-221 In Relation to a Freely Chosen War

The Right of States to Maintain Temporary Neutrality in Consecutive or Simultaneous Conflicts

1. The Principle of Neutrality in International Law

Neutrality is a well-established principle in international law, particularly codified in the Hague Conventions of 1907 and customary international law. A neutral state refrains from participating in an armed conflict while upholding its obligations to avoid favoring any belligerent. However, neutrality is not a fixed or permanent status; states may adopt neutrality selectively depending on the circumstances of different conflicts.

2. The Right to Selective or Temporary Neutrality

A state's ability to freely choose which conflict it remains neutral in derives from its sovereign prerogative in foreign relations and international law's recognition of the voluntary nature of neutrality. In contrast to permanent neutrality—where a state, such as Switzerland, is bound

to neutrality in all conflicts—the concept of temporary neutrality allows a state to assess its interests and determine its stance in each specific war.

Thus, a state is not obligated to maintain neutrality across multiple conflicts involving the same belligerents. It may choose to remain neutral in one war but engage in another, depending on factors such as self-defense, alliances, treaty obligations, or changing national interests. This principle aligns with the freedom of states to determine their participation in hostilities, provided they do not violate legal commitments under international agreements.

3. Neutrality in Consecutive Wars Between the Same Parties

When two belligerents engage in separate wars at different times, a state may opt for neutrality in one conflict while participating in another. This scenario commonly arises when geopolitical considerations or the legal characterization of a war shift between conflicts. For example:

- A state may have declared neutrality in an initial war between two parties but later joins a subsequent conflict due to shifts in alliances, security concerns, or treaty obligations.
- The principle of independent conflicts means that a state's prior neutrality does not legally bind it to maintain the same position in future hostilities involving the same belligerents.

This flexibility is critical in diplomatic and strategic decision-making, allowing states to align their policies with their evolving interests while remaining compliant with international law.

4. Simultaneous Neutrality and Belligerency in Different Conflicts

Even more interesting is the possibility of a state being neutral in one war while simultaneously being a belligerent in another. This is legally permissible under international law, provided that:

1. The two wars are considered distinct and independent under international law.
2. The neutral state upholds its obligations toward each conflict separately, ensuring that its neutrality in one war does not compromise its conduct in the other.
3. The state does not breach any treaty obligations that would prevent it from participating in one war while claiming neutrality in another.

A historical example is the conduct of certain states during World War II, where some nations remained neutral toward the European theater of war while engaging in military actions elsewhere. Such instances demonstrate that a state can legally partition its stance depending on the conflict in question.

5. Legal Implications and Considerations

While international law permits states to selectively apply neutrality, certain constraints and considerations must be observed:

- **Duty of Consistency:** A neutral state must ensure that its conduct in one conflict does not undermine its neutrality obligations in another.
- **Adherence to Neutrality Laws:** A state exercising neutrality in one war must refrain from providing military support, troops, or bases to belligerents in that particular conflict.
- **International Scrutiny:** While legally permissible, selective neutrality may attract political criticism or strategic distrust from other states, particularly if it appears opportunistic.

6. Conclusion

The principle of selective and temporary neutrality is a well-grounded aspect of international law, allowing states to navigate complex geopolitical realities. A state has the sovereign right to decide when and in which conflicts it remains neutral, even if the belligerents remain the same across multiple wars. Moreover, it is legally feasible for a state to be a participant in one conflict while remaining neutral in another, provided the conflicts are distinct and international obligations are met. This underscores the flexibility of neutrality as a dynamic legal and political tool in international relations.

8-222 In Relation to a Party to the Conflict

The Territorial Scope of Application of Neutrality Can Be Limited to a Freely Chosen Party to the Conflict

Neutrality is a legal status in international law that requires a state to stay out of a conflict and treat all warring parties equally. However, the territorial scope of neutrality becomes limited when a state voluntarily aligns with a party to the conflict, even if it does not directly engage in combat.

When a state freely chooses to support one side, its neutrality protections become restricted in the following ways:

1. Loss of Full Neutrality Status

- A neutral state must not provide military, economic, or logistical support to any party in a conflict.

- If a state voluntarily aligns itself with one side, it is no longer fully neutral, even if it does not send troops.
- Other countries may treat its territory as a hostile area and limit its neutrality protections.

Example: U.S. Lend-Lease Program (1941, Pre-WWII)

- The U.S. was technically neutral before entering WWII but chose to provide massive military aid to Britain and the USSR.
- Germany treated U.S. supply ships as enemy vessels, leading to attacks even before formal U.S. involvement in the war.
- This shows that choosing to support one side in a war limits a state's neutrality protections.

2. Neutrality Can Be Selectively Applied to a Specific Geographic Area

- If a state only supports one side in a particular region, its neutrality may still be recognized elsewhere.
- Some countries limit their involvement to certain zones while remaining neutral in others.

Example: Switzerland in WWII

- Switzerland was neutral in Europe but allowed limited trade and banking with Nazi Germany.
- The Allies respected Swiss neutrality overall, but Swiss territory was still accidentally bombed due to its economic ties with Germany.
- This shows that neutrality may not be universally applied if a state selectively engages with one party to a conflict.

3. Hosting Military Bases or Allowing Troop Movements Limits Neutrality

- A neutral state that allows one side to use its land, airspace, or ports loses neutrality in those areas.
- The opposing side may treat that part of its territory as an enemy military zone.

Example: Thailand in World War II (1941)

- Thailand was neutral at first but allowed Japanese troops to use its territory to invade British Burma and Malaya.
- The Allies then attacked Thai airfields and supply lines, treating those areas as military targets.

- This shows that when a neutral country freely chooses to support one side, parts of its territory may lose neutrality protections.

4. Partial Neutrality in Proxy Wars and Indirect Conflicts

- Some states try to remain neutral overall but still favor one side in certain aspects, such as:
    - Allowing refugees and defectors from one side but not the other.
    - Providing intelligence to one party but claiming diplomatic neutrality.
    - Allowing unofficial military aid through third-party actors.

Example: Pakistan in the Soviet-Afghan War (1979–1989)

- Pakistan officially declared neutrality but allowed U.S.-backed Mujahideen fighters to operate from its territory.
- The Soviet Union treated parts of Pakistan as a combat zone, launching cross-border attacks.
- This shows that even if a country claims neutrality, choosing to support one side makes parts of its territory vulnerable.

5. Economic and Financial Support Can Limit Neutrality

- A neutral country that supports one side economically (e.g., through trade, banking, or resource sales) may lose neutrality protections in that sector.
- Example: Swiss Banks and Nazi Gold (WWII)
    - Switzerland remained militarily neutral but allowed Nazi Germany to store gold and financial assets in Swiss banks.
    - This led to diplomatic pressure from the Allies, limiting Switzerland's economic neutrality.

6. The UN and Collective Security Can Override Neutrality

- If a neutral country chooses to support a UN-authorized military mission, it may still be protected under international law but will lose traditional neutrality protections.
- Example: Sweden in Peacekeeping Missions
    - Sweden is a neutral country but participates in UN military operations.
    - This selective involvement means Sweden is neutral in most conflicts but not in UN-backed missions.

Conclusion: Neutrality Is Limited When a State Freely Chooses a Side

A state cannot claim full neutrality if it:

1. Provides military aid, intelligence, or logistical support to one party.
2. Allows its land, airspace, or ports to be used by one side.
3. Engages in economic, financial, or diplomatic favoritism toward one side.
4. Participates in UN or regional security operations favoring one party.

Final Verdict:

A country that freely chooses to support one side in a conflict loses neutrality protections for its territory, economy, or diplomatic relations, even if it does not officially enter the war.

8-3 Objective (What + How)

8-31 Varying Views on War

8-311 Differences Due to Varying Views on War

The differences between neutrals and belligerents regarding what neutrality is supposed to cover often stem from their contrasting interests in a conflict. These differences are exacerbated by varying perspectives on the scope of war, particularly in terms of its geographical, legal, and moral dimensions. The key areas of contention include:

1. Definition and Scope of Neutrality

- **Neutrals' Perspective:** Neutrals typically view neutrality as a means of avoiding direct involvement in the conflict, maintaining their sovereignty, and preserving peace. They emphasize strict adherence to international laws protecting neutral rights, including freedom of trade (except for contraband), inviolability of territory, and non-participation in hostilities.
- **Belligerents' Perspective:** Belligerents often see neutrality as a hindrance to their military objectives, especially when neutral states trade with or indirectly assist their enemies. They may pressure neutrals to restrict trade, impose embargoes, or even allow military concessions that benefit one side.

2. Economic and Trade Issues

- **Neutrals' Perspective:** Neutrals argue that they should be allowed to trade freely with all sides as long as they do not directly aid the war effort of a belligerent. They see economic activity as separate from military engagement.

- **Belligerents' Perspective:** Belligerents often seek to limit neutral trade that benefits their enemies, enforcing blockades or declaring certain goods as contraband. This leads to tensions when neutrals feel their rights are being violated, as seen in past wars when naval powers restricted neutral shipping.

3. Territorial Integrity and Military Use

- **Neutrals' Perspective:** Neutral states insist that their territories remain inviolable, rejecting any military passage or use of their resources by belligerents.
- **Belligerents' Perspective:** Some belligerents have historically disregarded neutral rights if their strategic needs required it, such as Germany's invasion of Belgium in World War I or violations of Scandinavian neutrality in World War II.

4. Moral and Political Considerations

- **Neutrals' Perspective:** Some neutrals argue for absolute impartiality, refusing to take sides regardless of the war's nature. Others adopt a form of "differentiated neutrality," condemning aggression but not directly intervening.
- **Belligerents' Perspective:** Belligerents often try to frame conflicts as moral struggles, expecting neutrals to align based on ideological considerations. In cases of total war, neutrality is sometimes viewed as tacit support for the enemy.

5. Changing Notions of Neutrality in Modern Conflicts

- In traditional wars between states, neutrality was defined by international treaties (e.g., Hague Conventions). However, modern conflicts involving asymmetric warfare, terrorism, and economic sanctions have blurred the lines.
- The Cold War and post-Cold War era saw shifts in neutrality, with economic dependencies and alliances making complete neutrality difficult.
- New forms of "neutrality" have emerged, such as non-alignment policies in geopolitics, where states avoid formal alliances while still engaging diplomatically.

Conclusion

The differences between neutrals and belligerents regarding neutrality stem from a fundamental clash of interests: neutrals seek to protect their rights and avoid involvement, while belligerents seek to maximize their war effort, often at the expense of neutrality. The scope of war—whether limited or total—determines how strictly neutrality is respected. Historically, neutrality has often been compromised when major powers deemed it inconvenient, leading to evolving legal and political debates on its meaning.

8-312 The European-Continental View of War

The European-continental view of war differs from other perspectives, such as the Anglo-American or maritime approach, in several key ways. These differences stem from the historical experiences of European states, the nature of warfare on the continent, and the legal and philosophical traditions that have shaped military strategy, diplomacy, and neutrality.

1. War as a Total and Existential Phenomenon

- The European-continental perspective often views war as an existential struggle that threatens the very survival of states.
- Unlike maritime powers (such as Britain or the U.S.), which could rely on naval superiority and economic warfare, continental powers frequently had to prepare for large-scale land wars with direct territorial consequences.
- This view was reinforced by experiences such as the Napoleonic Wars, the World Wars, and conflicts like the Franco-Prussian War, where total mobilization and decisive battles determined outcomes.

2. The Clausewitzian Influence

- The Prussian military theorist Carl von Clausewitz had a profound impact on the continental understanding of war. His famous dictum, *"War is the continuation of politics by other means,"* emphasized the political nature of warfare.
- Continental powers often saw war as an instrument of state policy, where military action was deeply intertwined with diplomatic and political objectives.
- Clausewitz also described *absolute war* (an idealized form of total war) versus *real war* (constrained by political, social, and logistical factors), influencing European strategic thought.

3. Geopolitical and Strategic Considerations

- Unlike island or maritime powers, continental states had to consider direct land-based threats from neighboring powers. This led to strategies focusing on border defenses, rapid mobilization, and alliances for security.
- For example, Germany's Schlieffen Plan in World War I was shaped by the need to fight a two-front war against France and Russia, while France's defense strategy in the interwar period led to the construction of the Maginot Line.

- The balance of power was a crucial element in European conflicts, with diplomacy often focused on preventing any one state from achieving continental dominance (as seen in the wars against Napoleonic France or Germany in the 20th century).

4. Legal and Normative Approaches to War

- European continental traditions contributed significantly to the development of the laws of war, including the Hague Conventions (1899, 1907) and the Geneva Conventions.
- There was a strong emphasis on formal declarations of war, rules regarding occupation, and protections for neutral states.
- However, these legal frameworks often clashed with the realities of war, as seen in the occupation of neutral Belgium in World War I and the totalitarian conflicts of World War II.

5. The Role of Neutrality in Continental Warfare

- Neutrality in continental Europe was frequently challenged by the strategic imperatives of war.
- Small states such as Belgium, the Netherlands, and Switzerland had to navigate pressures from larger powers, often facing occupation or violations of their neutrality.
- In contrast to the Anglo-American perspective, which sometimes viewed neutrality as a long-term strategy (e.g., U.S. isolationism before World War I and II), European neutrality was often temporary or fragile, as seen in the case of Sweden during the Napoleonic and World Wars.

6. Shift from Dynastic Wars to Total Wars

- Before the 19th century, wars in Europe were often dynastic conflicts, where ruling families fought for territorial adjustments rather than the destruction of states. These wars were more limited in scope, with professional armies and relatively restrained civilian impact.
- The French Revolution and Napoleonic Wars transformed war into a mass phenomenon, introducing national conscription (*levée en masse*) and ideological motivations (republicanism vs. monarchy).
- The World Wars took this even further, with total mobilization of economies, civilians, and propaganda efforts, making war a struggle of entire nations rather than just armies.

7. The Post-World War II Transformation

- After 1945, the European-continental view of war shifted significantly due to the devastation of the World Wars.
- European states became more reliant on collective security (e.g., NATO, the European Union) rather than traditional military power balances.
- The presence of nuclear weapons and the Cold War confrontation between NATO and the Warsaw Pact also influenced European strategic thinking, emphasizing deterrence over direct conflict.
- Modern Europe largely rejects war as a political tool, favoring diplomacy, economic integration, and international law to resolve conflicts.

Conclusion

The European-continental view of war has evolved from a Clausewitzian, existential struggle for survival to a more legalistic and institutionalized approach focused on diplomacy and conflict prevention. Historically, continental warfare was marked by direct territorial stakes, total mobilization, and the vulnerability of neutral states. Today, while Europe retains strong military traditions, its approach to war has shifted toward collective security and international governance, reflecting the lessons of its violent past.

8-313 The Anglo-American View of War

The Anglo-American view of war is distinct from the European-continental perspective due to differences in geography, historical experience, military strategy, and political culture. Rooted in the traditions of Britain and later the United States, this perspective emphasizes naval power, economic warfare, limited war objectives, and the use of war as a tool of statecraft rather than an existential struggle for survival.

1. Maritime vs. Continental Strategy

- Unlike European continental powers, Britain and later the United States benefited from geographic insulation due to their island (Britain) and transoceanic (U.S.) locations.
- This allowed them to rely more on naval power and economic influence rather than large standing armies and territorial defenses.
- Britain's Royal Navy and the U.S. Navy have historically played central roles in projecting power, controlling trade routes, and enforcing blockades.

2. War as a Limited and Instrumental Tool

- In contrast to the European-continental view, which often saw war as existential, the Anglo-American tradition often approached war as a limited policy instrument to achieve specific political or economic objectives.
- The emphasis was on expeditionary warfare, where forces were deployed abroad to influence outcomes without total mobilization.
- Examples include Britain's use of war in the Napoleonic Wars (supporting coalitions rather than committing massive land forces) and U.S. interventions in Latin America, the Middle East, and Asia.

3. Economic and Naval Warfare as Primary Tools

- Britain and the U.S. have historically prioritized blockades, trade restrictions, and financial measures over direct land engagements.
- Examples include:
    - The British naval blockade of Napoleonic France (1803–1815), which contributed significantly to Napoleon's defeat.
    - The Union blockade of the Confederacy during the U.S. Civil War, which weakened the South's economy.
    - The U.S. embargo and economic measures against Japan before World War II, which influenced Japan's decision to attack Pearl Harbor.

4. Emphasis on Coalition Warfare

- Britain and the U.S. have traditionally relied on alliances and coalitions rather than unilateral land conquests.
- Britain historically played the role of a "balancer" in European conflicts, ensuring no single power dominated the continent.
- The U.S. followed a similar strategy in World War I and II, joining late but providing decisive support to allies.

5. Legalistic and Moral Framing of War

- The Anglo-American tradition often frames war in moral and legal terms, justifying military actions as part of a broader ideological struggle (e.g., democracy vs. authoritarianism).
- Britain used this approach against Napoleonic France, Nazi Germany, and later in Cold War conflicts.

- The U.S. has historically invoked moral justifications, such as the Monroe Doctrine (1823) to oppose European interference in the Americas, Wilson's Fourteen Points (1918) for World War I, and the promotion of democracy in modern interventions.

6. Preference for "Total Victory" in Major Conflicts

- While Anglo-American strategy often prefers limited engagements, in major wars (e.g., World Wars, Cold War), the goal has been unconditional surrender rather than negotiated settlements.
- This was evident in World War II, where both Britain and the U.S. demanded Germany's and Japan's complete defeat, unlike earlier European wars that often ended in negotiated peace.

7. The Role of Technology and Air Power

- The Anglo-American approach has been highly influenced by technological superiority, particularly in naval, air, and later cyber warfare.
- The development of strategic bombing (e.g., the RAF and USAF campaigns against Germany and Japan) reflects a reliance on indirect methods to weaken enemy morale and infrastructure.
- The use of atomic bombs on Hiroshima and Nagasaki in 1945 demonstrated a preference for using technology to achieve decisive outcomes with minimal ground combat.

8. Post-World War II: Interventionism and Global Policing

- After World War II, the U.S. assumed Britain's historical role as the global hegemon, focusing on military interventionism, naval dominance, and economic influence.
- Examples include:
    - Containment of Communism (e.g., Korean War, Vietnam War, NATO)
    - Intervention in the Middle East (e.g., Gulf War, Iraq, Afghanistan)
    - Use of sanctions and economic pressure rather than direct war (e.g., against Iran, Russia, China)

Conclusion

The Anglo-American view of war is characterized by a preference for naval and economic warfare, limited engagements, coalition-building, and technological superiority. Unlike the European-continental view, which often sees war as an unavoidable existential struggle, the Anglo-American tradition treats war as a flexible policy tool. However, in major conflicts, the U.S. and Britain have pursued total victory, reshaping global politics in their favor.

8-314 The Former Soviet View of War

The Soviet concept of war was shaped by Russia's historical experiences, Marxist-Leninist ideology, and the military strategies developed during the Soviet era. Unlike the Anglo-American and European-continental views, the Soviet approach emphasized total war, deep operations, ideological struggle, and global revolutionary conflict. It was heavily influenced by World War I, the Russian Civil War, World War II (the Great Patriotic War), and the Cold War.

1. War as an Inevitable and Ideological Struggle

- Soviet military doctrine viewed war as a natural outcome of capitalist-imperialist contradictions.
- Marxist-Leninist ideology held that conflict between socialist and capitalist states was inevitable as long as class struggles and imperialism existed.
- The Soviet Union considered itself in a permanent state of struggle against the West, even in peacetime, through political, economic, and military means.

2. Total War and Mass Mobilization

- Unlike the Anglo-American preference for limited war, the Soviet concept emphasized total war, requiring full mobilization of the state, economy, and society.
- This was demonstrated in World War II (the Great Patriotic War), where the USSR endured enormous losses (over 20 million dead) but emerged victorious through:
    - Scorched earth tactics
    - Mass industrial relocation
    - Strategic depth
    - Total civilian involvement in war production
- The Soviet war doctrine assumed that any major war, particularly with NATO, would be total and existential, requiring the full might of the Red Army and national resources.

3. Deep Operations and Combined Arms Warfare

- A key Soviet contribution to military strategy was the doctrine of Deep Battle (Glubokaya Operatsiya), developed in the 1920s and 1930s.
- Unlike traditional linear warfare, Deep Battle sought to:
    - Destroy enemy forces in depth rather than just at the front lines.
    - Use massive artillery, air, and tank offensives to penetrate enemy defenses.

    - Exploit breakthroughs with mobile reserves, such as tank and mechanized divisions.
- This doctrine was effectively used in World War II, especially in battles such as Operation Bagration (1944), where Soviet forces destroyed German Army Group Center.

4. The Role of Nuclear Weapons and Strategic Deterrence

- After World War II, the Soviet concept of war evolved with the advent of nuclear weapons.
- The Soviet nuclear strategy was based on:
    - Massive retaliation in case of an attack.
    - Mutually Assured Destruction (MAD) to deter the West.
    - Development of a second-strike capability, ensuring survivability even after a first strike.
- The USSR maintained the world's largest nuclear arsenal and built extensive nuclear shelters, missile silos, and mobile launch systems.

5. Asymmetric and Political Warfare

- Beyond conventional and nuclear war, the Soviet Union excelled in asymmetric warfare, using:
    - Proxy wars (e.g., Vietnam, Korea, Angola, Afghanistan)
    - Covert operations (e.g., KGB-sponsored insurgencies, assassinations, and propaganda)
    - Political subversion in Western countries via communist movements, media influence, and ideological infiltration.
- The Soviet Union supported revolutionary movements worldwide, believing that spreading communism would weaken capitalist states and prevent NATO expansion.

6. Soviet War Economy and Military-Industrial Complex

- The Soviet Union had a military-first economy, prioritizing defense industries even in peacetime.
- A large portion of GDP (up to 25% in some years) was devoted to the military, with massive production of:
    - Tanks (e.g., T-72, T-80, T-90)
    - Fighter jets (MiG, Sukhoi series)
    - Nuclear submarines and ballistic missiles

- Unlike Western economies that balanced military and civilian sectors, the Soviet system was structured for wartime readiness at all times.

7. Defensive Depth and Territorial Strategy

- Due to its vast geography, the Soviet strategy relied on strategic depth, meaning:
    - Any invading force (e.g., Napoleon in 1812, Germany in 1941) would face logistical nightmares due to harsh terrain, long supply lines, and brutal winters.
    - The Red Army's strategy was to absorb an initial enemy attack, then counterattack once reinforcements arrived.
- This was a defensive but aggressive doctrine, ensuring that if the USSR were attacked, it would retaliate with overwhelming force.

8. Cold War Proxy Conflicts and Soviet Military Interventions

- The USSR avoided direct wars with NATO but engaged in proxy conflicts worldwide:
    - Korean War (1950–1953): Soviet advisors and MiG pilots fought against U.S. forces.
    - Vietnam War (1955–1975): Supplied weapons, training, and intelligence to the North Vietnamese.
    - Afghan War (1979–1989): A costly Soviet intervention that led to over 15,000 Soviet deaths and ultimately contributed to the USSR's collapse.
- These interventions followed the Soviet doctrine of supporting communist allies, even at great cost.

9. The Soviet Concept of War in Peacetime ("Hybrid Warfare")

- The USSR did not see a sharp distinction between war and peace.
- Political, economic, and psychological warfare were seen as continuous struggles against the capitalist world.
- This included:
    - Propaganda and disinformation campaigns (e.g., KGB psychological operations).
    - Cyber warfare and espionage (which continues today under Russia's military doctrine).
    - Economic manipulation, such as using oil prices to influence global politics.

10. The Post-Soviet Evolution of Russian Military Doctrine

- After the Soviet collapse in 1991, Russia adapted Soviet doctrines to modern warfare, particularly through:
    - Hybrid warfare tactics (e.g., Ukraine 2014, Syria 2015).
    - Use of mercenary forces (e.g., Wagner Group).
    - Cyber warfare and disinformation campaigns against NATO and the EU.
- Many elements of Soviet strategy remain influential in modern Russian military thought, particularly strategic depth, asymmetric warfare, and nuclear deterrence.

Conclusion

The former Soviet concept of war was defined by total mobilization, ideological struggle, strategic depth, and massive industrial-military capacity. It viewed war as an inevitable feature of global politics and prepared for conflict at all times, whether conventional, nuclear, or asymmetric. Unlike the Anglo-American approach, which favored limited wars and alliances, the Soviet model prioritized self-reliance, large-scale land warfare, and indirect warfare through proxies and political influence. Many of these doctrines continue to shape Russian military thinking today.

8-315 The Russian View of War

The Russian view of war after the Soviet Union has evolved significantly, shaped by historical experiences, geopolitical aspirations, and responses to global security dynamics. Since the dissolution of the Soviet Union in 1991, Russia's military doctrine and strategic outlook have transitioned from the remnants of Soviet-era ideology to a modern, hybrid approach that blends conventional military power, nuclear deterrence, and asymmetric warfare tactics. Below is a detailed exploration of this evolution.

1. Post-Soviet Disorientation (1991–2000)

Following the collapse of the Soviet Union (USSR) in 1991, Russia faced political, economic, and military turmoil. The Russian Federation inherited much of the USSR's military infrastructure, but it struggled with:

- Declining military funding, leading to the deterioration of conventional forces.
- Loss of influence in former Soviet republics, as many sought alignment with the West.
- Uncertain geopolitical strategy, as Russia no longer had a clear ideological framework like Soviet communism.

First Chechen War (1994–1996)

Russia's first significant post-Soviet military engagement was in Chechnya, where it attempted to suppress separatists. The war exposed weaknesses in Russian military structure, including poor coordination, outdated tactics, and low morale. The failure of this campaign forced a reassessment of military reforms.

2. Rebuilding and the Rise of Strategic Warfare (2000–2012)

Under Vladimir Putin, Russia sought to rebuild its military power and reassert its role as a global force. This period saw:

- Increased defense spending and modernization of military forces.
- New military doctrines focusing on nuclear deterrence and regional conflicts.
- Expansion of hybrid warfare tactics, combining conventional and unconventional methods.

Second Chechen War (1999–2009)

A more sophisticated military strategy, including better coordination and intelligence operations, allowed Russia to regain control over Chechnya, shifting its approach to asymmetric counterinsurgency warfare.

The 2008 Russo-Georgian War

Russia's war with Georgia marked a turning point in its post-Soviet military assertiveness. The war demonstrated:

- Use of rapid military intervention to secure Russian interests.
- The effectiveness of cyber warfare, as Russian hackers attacked Georgian infrastructure.
- The need for military modernization, as Russia identified weaknesses in its air and communication systems.

3. New Doctrines and Hybrid Warfare (2013–Present)

From 2013 onwards, Russian military strategy has increasingly focused on hybrid warfare, which blends conventional military power with cyber warfare, disinformation, and political subversion.

Key Features of Russia's Military Doctrine (2014, 2021 Updates)

- Nuclear deterrence remains central: Russia maintains a first-use nuclear policy if its territorial integrity is threatened.

- Use of proxy conflicts: Russia supports separatist movements and militias to achieve strategic objectives without direct engagement.
- Information warfare: Russia uses cyber operations, media propaganda, and disinformation to weaken adversaries.
- Preemptive intervention: Russia justifies military action to prevent the expansion of Western influence near its borders.

The 2014 Annexation of Crimea

One of the most significant modern military maneuvers by Russia was the annexation of Crimea from Ukraine. This event demonstrated:

- Effective use of “little green men” (unmarked Russian soldiers) to take control.
- A combination of conventional forces and local separatist support.
- Economic and diplomatic warfare, using energy exports as leverage.

The Ongoing War in Ukraine (2022–Present)

The full-scale invasion of Ukraine in 2022 marked a major shift in Russian military strategy:

- Initial failures in rapid conquest forced a shift to prolonged attrition warfare.
- Heavy reliance on artillery and missile strikes to weaken Ukrainian resistance.
- Expansion of hybrid tactics, including cyberattacks, mercenary forces (e.g., Wagner Group), and economic warfare.
- Increasing global isolation, as Western sanctions impact Russia’s ability to sustain prolonged war efforts.

4. Russia’s Future Military Strategy

Long-Term Considerations:

- Increased self-reliance: Russia is shifting towards military self-sufficiency due to Western sanctions.
- Deepened alliances with China and Iran: To counterbalance Western influence.
- Greater reliance on nuclear threats: Russia continues to position itself as a nuclear power willing to escalate conflicts if its interests are threatened.

Challenges Ahead:

- Demographic and economic constraints: Russia faces population decline and sanctions affecting its military-industrial complex.
- Strategic overstretch: Conflicts in Ukraine, Syria, and Africa demand significant resources.

- Evolving Western military countermeasures: NATO expansion and advanced military technologies pose challenges to Russian ambitions.

Conclusion

Russia's view of war after the Soviet Union has shifted from a defensive post-Soviet position to an aggressive, hybrid warfare model. While it remains a global military power, its future success depends on its ability to adapt to modern warfare dynamics, sustain economic resilience, and maintain internal stability.

8-316 The Chinese View of War

The Chinese concept of war is shaped by historical military traditions, strategic culture, and modern geopolitical considerations. Unlike the Western (Anglo-American and European-continental) or Soviet views, the Chinese approach to war is deeply rooted in philosophical, asymmetric, and long-term strategic thinking, influenced by classical texts like *The Art of War* by Sun Tzu and modern doctrines emphasizing information warfare, economic power, and indirect conflict.

1. War as a Political and Strategic Tool

- The Chinese perspective on war sees it primarily as a means to achieve political objectives rather than a purely military endeavor.
- Following Sun Tzu's principle that *"the supreme art of war is to subdue the enemy without fighting,"* China prioritizes diplomatic, economic, and psychological warfare over direct military confrontation.
- This contrasts with the Western emphasis on decisive battles and the Soviet concept of total war.

2. Strategic Patience and Long-Term Planning

- Chinese military thinking operates on a long-term, incremental basis, with objectives often spanning decades or centuries.
- This contrasts with the Western preference for quick, decisive wars (e.g., Gulf War, Afghanistan) and the Soviet emphasis on rapid, deep operations.
- Example: China's strategy in the South China Sea—gradually building military outposts and economic influence rather than engaging in direct military confrontation.

3. Asymmetric Warfare and "Unrestricted Warfare"

- China understands that it cannot match the United States or NATO in conventional warfare, so it focuses on asymmetric strategies, including:
    - Cyber warfare (hacking, disinformation, AI-driven operations).
    - Economic warfare (trade leverage, debt diplomacy).
    - Legal warfare ("Lawfare")—manipulating international legal systems to justify actions.
    - Psychological and information warfare—using propaganda to shape perceptions at home and abroad.
- This is encapsulated in the 1999 PLA doctrine of "Unrestricted Warfare", which advocates for warfare beyond the battlefield, using all means (political, economic, social, and technological) to weaken an opponent.

4. Active Defense: Defensive but Not Passive

- China's military doctrine of "Active Defense" states that while China will not strike first, it will respond overwhelmingly if provoked.
- This is different from Western preemptive doctrines (e.g., U.S. "shock and awe" strategies) and Soviet offensive doctrines.
- Example: China's strategy toward Taiwan—avoiding outright invasion but preparing overwhelming force if independence is declared.

5. The People's War Concept: Civil-Military Integration

- Rooted in Mao Zedong's concept of "People's War," China emphasizes the mobilization of the entire society for defense.
- This doctrine suggests that in a major conflict, China would:
    - Integrate civilian technology into military operations (e.g., commercial AI, 5G, and big data).
    - Leverage its large population for war efforts (both in conventional and cyber warfare).
    - Use unconventional tactics, such as guerrilla warfare, proxy militias, or social media influence.

6. Economic Warfare as a Primary Tool

- Unlike the U.S. reliance on military intervention, China prefers to use economic influence as a form of warfare.
- Through initiatives like the Belt and Road Initiative (BRI) and debt diplomacy, China:
    - Expands its global influence without firing a single shot.

- Creates economic dependencies that make direct confrontation with China costly for rivals.
- Uses supply chain dominance (e.g., control over rare earth minerals, global trade routes) as leverage in conflicts.

7. Technological and Cyber Warfare: The New Battlefield

- China sees cyberspace, AI, and space as critical domains of warfare.
- The PLA Strategic Support Force (SSF) focuses on:
  - Hacking and cyber espionage against U.S. and Western targets.
  - AI-driven warfare—using AI for autonomous drones, surveillance, and battlefield decision-making.
  - Space-based warfare, including anti-satellite weapons (ASAT) to disable Western military satellites.

8. Strategic Ambiguity and Deception

- Chinese military doctrine heavily incorporates deception and misinformation, as advised by Sun Tzu, who wrote: *"All warfare is based on deception."*
- China often:
  - Uses diplomatic ambiguity—saying one thing while preparing another (e.g., “peaceful rise” rhetoric while building military bases in the South China Sea).
  - Expands influence subtly—avoiding direct military actions that could provoke a large-scale war.
  - Employs strategic timing—waiting for the right geopolitical moment to act (e.g., delaying Taiwan action until Western powers are distracted).

9. Limited Warfare and Gray Zone Tactics

- China prefers "gray zone" tactics—staying below the threshold of full-scale war while exerting pressure on adversaries.
- Examples:
  - South China Sea "salami slicing" strategy—gradual expansion without triggering major military responses.
  - Use of "maritime militia"—deploying armed fishing boats to assert territorial claims without using the navy.
  - Economic retaliation—sanctioning companies or countries that oppose China’s policies.

10. The Evolution of China's Military Doctrine (Past to Present)

Era	Doctrine	Key Features
Ancient China (Sun Tzu)	Strategic deception	Avoid direct battle, win before fighting.
Mao Zedong Era (1949–1976)	People's War	Guerrilla tactics, mass mobilization.
Deng Xiaoping Era (1978–1990s)	Modernization & Economic Warfare	Economic power as a weapon, limited military actions.
Jiang Zemin/Hu Jintao Era (1990s–2010s)	High-tech warfare	Information warfare, cyber capabilities.
Xi Jinping Era (2013–present)	Unrestricted Warfare, Great Power Competition	Global expansion, AI warfare, gray zone tactics.

Conclusion

The Chinese concept of war is distinct in its long-term planning, strategic deception, and emphasis on non-military means of conflict. Unlike the Western and Soviet models, which focus on direct engagements, China prioritizes indirect, economic, and cyber warfare, using strategies like gray zone tactics, Active Defense, and unrestricted warfare to weaken opponents without open conflict. This approach allows China to expand its influence globally while avoiding large-scale wars, positioning itself as a dominant power for the future.

8-32 Fragile Impartiality

Not all neutral activities have been applied impartially under international law. While neutrality as a principle seeks impartiality, its implementation has often been influenced by political, economic, and strategic considerations, leading to inconsistencies. Below are some key factors and examples that illustrate this lack of impartiality in practice:

1. Political and Strategic Interests

Neutral states sometimes adopt policies that, while appearing neutral, favor one side in practice:

- **Selective Trade Policies**: During conflicts, some neutral states have been accused of trading disproportionately with one belligerent, indirectly supporting their war efforts (e.g., Sweden's iron ore exports to Nazi Germany during World War II).

- **Allowing Access to Resources**: Neutral states may covertly or indirectly allow access to their resources or infrastructure for strategic gains while claiming neutrality.

2. Economic Dependencies

Economic pressures often affect the impartial application of neutrality:

- **Dependence on Belligerent Economies**: Neutral states reliant on trade with one side may adopt policies that align more with that belligerent, undermining their neutrality.
- **Blockades and Contraband**: Neutral states have faced challenges in enforcing impartial trade during wartime. For instance, during World War I and II, British naval blockades restricted neutral trade with Germany, forcing neutrals like Denmark and the Netherlands to adapt their policies in ways that appeared biased.

3. Unequal Treatment of Belligerents

Neutral states have sometimes treated belligerents unequally due to geopolitical alignments or fear of retaliation:

- **Asylum Policies**: Neutral states have faced accusations of being selective in granting asylum or sheltering refugees, depending on their political alliances.
- **Transit of Military Personnel**: At times, neutral states have permitted the transit of troops or supplies for one belligerent while denying the same to others. For example, Spain during World War II allowed German troops and supplies through its territory but did not extend similar permissions to the Allies.

4. Enforcement Failures

Neutral states sometimes struggle to enforce neutrality impartially:

- **Naval Violations**: During wartime, neutral waters have been violated by belligerents, and enforcement has been inconsistent. In World War I, the United States protested German U-boat attacks on neutral ships but took limited action when British forces interfered with American trade.
- **Airspace Violations**: In modern conflicts, belligerents have violated neutral airspace with little consequence, as enforcement mechanisms are often weak.

5. Modern Challenges: Cyber and Digital Neutrality

In the digital age, neutrality is even harder to apply impartially:

- **Use of Neutral Infrastructure**: Neutral states may unknowingly host servers or infrastructure used in cyberattacks by one belligerent against another.

- **Regulating Digital Propaganda**: Ensuring that neutrality extends to preventing online platforms from favoring one side is a complex and emerging challenge.

6. Influence of Great Powers

Power dynamics often skew neutrality's application:

- **Pressure from Major Powers**: Neutral states have faced pressure to align their policies with powerful belligerents, undermining impartiality. For instance, during the Cold War, neutrality in Europe was often tested by the competing influences of NATO and the Warsaw Pact.
- **Economic Sanctions**: Neutral states may be forced to comply with sanctions imposed by powerful countries, even when such measures disproportionately affect one side in a conflict.

7. Case Studies of Partial Neutrality

- **Switzerland (World War II)**: While officially neutral, Switzerland allowed German troop trains to pass through its territory and was accused of facilitating Nazi access to financial services, raising questions about impartiality.
- **Ireland (World War II)**: Ireland maintained neutrality but was criticized for allowing British and American forces to use its airspace and infrastructure covertly.
- **Sweden (World War II)**: Sweden's neutrality was called into question due to its export of iron ore to Germany, a critical resource for the Nazi war machine.

8. Ambiguities in International Law

International law provides guidelines for neutrality (e.g., the Hague Conventions of 1907), but these are often subject to interpretation:

- **Contraband Lists**: What constitutes "contraband" can vary, leading to disputes over whether neutral actions are impartial.
- **Enforcement of Blockades**: The right of belligerents to impose blockades often conflicts with the rights of neutrals, creating friction and perceived bias.

Conclusion

While neutrality is rooted in the principle of impartiality, its practical application has often been inconsistent. Political pressures, economic dependencies, and enforcement challenges have led to situations where neutrality appears to favor one side over another. Strengthening international frameworks and adapting them to modern challenges (like cyberwarfare) could help mitigate these issues and ensure more consistent and impartial applications of neutrality.

8-4 Subjective (Who)

8-41 Differences Due to Different Concepts of War

The application of neutrality is shaped by different understandings of war, leading to fundamental differences regarding who can or should behave neutrally—whether it is limited to states or extends to private individuals, organizations, and economic actors. The scope of neutrality has evolved alongside changing war doctrines and the increasing complexity of global conflicts.

1. Traditional State-Centric Neutrality (European-Continental View)

- Historically, neutrality was primarily a concept applied to states, as established in treaties like the Hague Conventions of 1907.
- Neutral states were expected to:
    - Refrain from military participation in conflicts.
    - Prevent belligerents from using their territory for war efforts.
    - Avoid favoring one belligerent over another in ways that could influence war outcomes (e.g., arms sales, troop movements).
- Private subjects (citizens, companies, NGOs) were not traditionally bound by neutrality under international law, although their actions could indirectly challenge a state's neutral status.

Example:

- Switzerland followed strict neutrality in World War II, prohibiting military engagement but allowing limited economic interactions with belligerents.

2. Anglo-American Perspective: Neutrality as a Flexible and Strategic Tool

- The Anglo-American tradition sees neutrality as more conditional and strategic, rather than an absolute legal principle.
- Private actors (companies, financial institutions, individuals) are often allowed to engage in economic and technological exchanges, even if their states remain neutral.
- Economic interactions with warring states (e.g., trade, finance, supplies) are often tolerated unless explicitly restricted by government policies.

Examples:

- U.S. pre-World War I: The U.S. remained neutral but allowed American companies to trade with both the Allies and Central Powers, eventually tilting toward Britain and France.
- Lend-Lease Act (1941): The U.S. officially remained neutral before entering World War II but provided significant military aid to Britain and the Soviet Union.

3. Soviet and Communist Concept of War: Neutrality as an Ideological Issue

- The Soviet Union rejected traditional state neutrality, viewing war as an ideological struggle between socialist and capitalist blocs.
- Even in peacetime, the USSR promoted global revolutionary movements, undermining the neutrality of private subjects by supporting:
    - Communist parties in neutral states.
    - Insurgent movements in colonial or developing countries.
    - Propaganda and espionage efforts within non-aligned or neutral nations.

Example:

- Cold War "Neutral" States (India, Yugoslavia, Austria) faced Soviet and Western influence attempts despite their formal neutrality.
- Private subjects in the Soviet system had no neutrality; all individuals were expected to align with state policies and contribute to the ideological struggle.

4. The Chinese Perspective: Gradual Erosion of Neutrality via Economic and Cyber Means

- China sees neutrality not just as a legal stance of states but as a condition that can be influenced through economic, technological, and political leverage.
- China often avoids direct war but uses economic influence to indirectly shape neutrality by pressuring governments, businesses, and even individuals.

Key differences in neutrality from a Chinese perspective:

- Private corporations and economic actors are not truly neutral if they engage in industries relevant to national security (e.g., semiconductors, AI, rare earth metals).
- Cyber warfare and information control can undermine or influence a state’s neutrality.
- Non-government actors (NGOs, universities, media organizations) are seen as tools of influence, making "neutrality" an increasingly blurred concept.

Example:

- Taiwan Strait Crisis—China pressures foreign corporations, airlines, and global institutions to not recognize Taiwan as an independent entity, forcing private actors into political alignment.

5. Private Neutrality in Modern Conflicts: Blurring the Lines

- In modern warfare, neutrality no longer applies exclusively to states.
- Multinational corporations, social media platforms, NGOs, and financial institutions now play significant roles in conflicts.
- Many Western companies voluntarily cut ties with Russia after the 2022 invasion of Ukraine, even without government mandates—raising questions about whether private neutrality still exists.

Key challenges in private neutrality today:

1. Economic sanctions blur neutrality—Banks, corporations, and financial systems are often forced to take sides (e.g., SWIFT restrictions on Russia).
2. Social media and information warfare—Tech companies (e.g., Facebook, Twitter, TikTok) are now geopolitical actors, influencing narratives in conflicts.
3. Private military companies (PMCs)—Groups like Wagner (Russia) and Blackwater (U.S.) operate in war zones, making neutrality increasingly irrelevant for private actors.

Conclusion: The Expanding Subjective Scope of Neutrality

- Traditionally, neutrality applied only to states, but modern warfare has expanded the subjective scope to include corporations, financial systems, social media platforms, and cyber actors.
- Fundamental differences arise from different concepts of war:
    - European-Continental: Neutrality is legalistic and primarily state-based.
    - Anglo-American: Neutrality is flexible, allowing private actors to engage indirectly.
    - Soviet/Russian: Neutrality is a myth, as ideological struggle supersedes legal neutrality.
    - Chinese: Neutrality is influenceable, with economic and technological power shaping non-state neutrality.

As modern conflicts evolve, private neutrality is becoming nearly impossible, making the traditional concept of neutrality increasingly obsolete.

8-42 Total War Today

Modern total war is no longer confined to traditional battlefields. It extends beyond military engagements, incorporating governments, economies, civilians, cyberspace, private corporations, and global institutions. Unlike previous forms of total war, which focused on full national mobilization for military objectives, today's total war involves multi-domain conflicts that blur the lines between war and peace, combatants and civilians, physical and digital battlegrounds.

1. The State: War as a Comprehensive National Effort

- Governments no longer just command armies; they orchestrate economic, technological, diplomatic, and cyber strategies as part of modern warfare.
- State policies shape total war through:
    - Economic sanctions and embargoes (e.g., U.S. sanctions against Russia, China's trade restrictions).
    - Cyber and information control (e.g., China's Great Firewall, Western efforts to counter disinformation).
    - Legal and political warfare ("lawfare")—using international law to advance national security goals.
- Example: The Russia-Ukraine War (2022–present) demonstrates state-led multi-domain warfare, where economic, digital, and military efforts operate simultaneously.

2. The Military: Beyond Traditional Battlefields

- While conventional military forces remain crucial, modern militaries fight across new domains, including:
    - Cyberwarfare—hacking infrastructure, disrupting supply chains, and targeting satellite systems.
    - Electronic warfare—jamming enemy communications and using AI-driven combat operations.
    - Hybrid warfare—a mix of conventional war, covert operations, mercenaries, and misinformation.
- Example: Iran and Russia's use of proxy forces (e.g., Wagner Group, Hezbollah, Houthi rebels) shows that military power now includes non-state actors engaged in asymmetric conflicts.

3. The Civilian Population: From Passive to Active Participants

- Civilians are no longer mere victims or bystanders in war; they are actively involved through:
    - Information warfare: Social media users influence global perceptions, spread propaganda, or engage in cyber activism (e.g., Anonymous vs. Russia).
    - Economic warfare: Sanctions affect everyday citizens, forcing them into political or economic survival strategies.
    - Volunteer combatant movements: Ukraine's civilian defense forces, Syrian militias, and other armed civilian groups blur the lines between soldier and citizen.
- Example: Ukrainian civilians hacking Russian digital infrastructure, Russian state propaganda influencing global audiences, and Palestinian civilians mobilizing digitally during conflicts.

4. The Economy: Financial and Technological War

- Economic sanctions, trade wars, and financial restrictions are now weapons of war.
- Global corporations play a direct role, either supporting war efforts or restricting access to technology, banking, and trade.
- Example:
    - The U.S. ban on Chinese tech companies (Huawei, TikTok) represents an economic warfare tactic.
    - Western financial restrictions on Russia (blocking SWIFT transactions, freezing oligarch assets) limit Moscow's war capabilities.
    - China's Belt and Road Initiative (BRI) is a form of economic war, making nations financially dependent on China.

5. The Private Sector: Corporations as Combatants in Economic and Digital Warfare

- Companies now shape warfare through:
    - Cybersecurity efforts (e.g., Microsoft defending Ukraine from cyberattacks).
    - Satellite networks influencing battlefield communications (e.g., Starlink providing internet access in war zones).
    - Economic sanctions & supply chain disruptions (e.g., Apple, Google, and Visa cutting ties with Russia).
- Example:
    - Elon Musk's Starlink became a military asset in Ukraine, showing how private companies are now integrated into national defense.
    - Apple and Google's removal of Russian apps reshaped the digital battlefield.

6. Cyberwarfare and the Digital Battlefield

- Cyberattacks are now as devastating as missile strikes, targeting:
  - Critical infrastructure (power grids, banking systems, healthcare).
  - Military intelligence and battlefield networks.
  - Public perception via disinformation campaigns.
- Example:
  - Russian cyberattacks on Ukraine's power grid (2015, 2022) crippled essential services.
  - Chinese cyber espionage targets U.S. defense and technology sectors.

7. Space and AI: The New Frontiers of War

- Satellites are now military targets, controlling:
  - Missile guidance, drone warfare, and GPS networks.
  - Surveillance and early-warning defense systems.
- AI warfare includes:
  - Autonomous drones and robotic weapons.
  - AI-driven cyberattacks and deepfake disinformation.
- Example: The U.S., China, and Russia are racing for military AI supremacy, with AI-based missile defense, surveillance, and hacking tools.

8. Information and Psychological Warfare

- Governments and private actors shape public opinion using:
  - Social media influence (Twitter, TikTok, YouTube propaganda campaigns).
  - Narrative manipulation (e.g., Russia's "denazification" justification for Ukraine war).
  - Censorship and state-controlled information flows (e.g., China's digital authoritarianism).
- Example: The 2016 U.S. election interference by Russian disinformation campaigns shows that total war is now fought through digital influence.

9. The Erosion of Neutrality: No One Is Truly Neutral in Modern War

- Neutrality is becoming impossible because every entity—state, corporation, civilian, or tech company—is dragged into conflicts.
- Traditional "neutral" countries (e.g., Switzerland, Sweden, Finland) are now rethinking their positions due to cyber, economic, and political pressures.

- Example:
    - Sweden and Finland joined NATO due to Russian aggression, ending decades of neutrality.
    - Companies like Google and Apple are forced to take sides by restricting services in war-torn nations.

10. The Evolution of Total War: What Makes It Different Today?

Aspect	Traditional Total War (WWII Era)	Modern Total War
Actors	Governments, armies, civilians	Governments, corporations, hackers, civilians
Battlefield	Physical land, sea, air	Cyber, economy, AI, space, information
Weapons	Tanks, aircraft, nuclear weapons	AI, cyberwarfare, economic pressure, deepfakes
Civilian Role	Mostly passive, targeted in bombings	Active participants (cyberwar, sanctions, resistance)
Economic Warfare	Blockades, rationing, strategic bombing	Sanctions, financial restrictions, supply chain warfare

Conclusion: The New Era of Total War

- Total war today is no longer just about armies—it is about controlling economies, technology, information, and global influence.
- Every aspect of modern life—banking, social media, energy, AI, and trade—has become part of warfare.
- No country, company, or individual can remain entirely neutral, as all are affected by the global struggle for power.
- The wars of the future will be fought not only on battlefields but in cyberspace, financial markets, social media, and AI-controlled networks.

In short, modern total war is everywhere, touching all subjects—from governments and soldiers to corporations, hackers, and everyday citizens. No one is untouched, and no one is truly neutral.

Part 3

Outlook on Neutrality

Chapter 9

Nature of Neutrality

9-1 Future Neutrality

9-11 The Definition

Modern neutrality in armed conflict is impartial non-participation while actively supporting peace, humanitarian aid, and conflict resolution.

9-12 The Element of Impartiality

Impartial non-participation in modern neutrality means remaining disengaged from military hostilities while upholding neutrality in political, legal, and humanitarian contexts. It ensures that a neutral state or entity does not contribute to the conflict in any way that favors one side over another while maintaining the right to self-defense and humanitarian obligations. Below are refined and expanded aspects of this principle:

1. Non-Involvement in Hostilities

- A neutral state does not participate in combat operations, offensive or defensive, in favor of any warring party.
- No military assistance (troops, weapons, intelligence, or funding) is provided to any belligerent.
- No combat engagement occurs unless directly attacked, in which case self-defense is allowed under international law.

Expanded:

- A neutral entity may still engage in peacekeeping operations under strict mandates of impartiality, such as UN peacekeeping missions that enforce ceasefires rather than take sides.
- Defensive neutrality allows a state to prepare for self-defense without aligning with any belligerents.

2. Equal Distance from Warring Parties

- Neutral states or organizations treat all conflict parties equally, refraining from political, economic, or military favoritism.
- No political endorsements of either side’s cause, avoiding official statements or diplomatic actions that could be seen as bias.
- Trade and economic interactions with belligerents are regulated to ensure neutrality (e.g., prohibiting arms trade but allowing humanitarian aid).

Expanded:

- Neutral entities may facilitate diplomatic dialogue, acting as mediators in peace talks without favoring any side.
- Neutrality does not mean passivity; engagement in conflict resolution efforts is permitted as long as it remains unbiased.

3. Legal and Diplomatic Neutrality

- Neutrality must align with international law, such as the Geneva Conventions, which protect humanitarian neutrality.
- Neutral states maintain diplomatic relations with all conflict parties without recognizing territorial changes achieved through force.
- Neutrality is declared and recognized by the international community, ensuring legitimacy.

Expanded:

- Some neutral states sign treaties (e.g., Switzerland's permanent neutrality) or international agreements that reinforce their status.
- Neutrality can be temporary (only during a specific conflict) or permanent (enshrined in law and policy).

4. Sovereign Defense Without Alignment

- A neutral state retains the right to self-defense but does not enter military alliances that could compromise neutrality.
- Military preparedness is allowed, but defense strategies must not be tied to external powers or warring factions.
- No hosting of foreign military bases or allowing national territory to be used for military operations by belligerents.

Expanded:

- Defensive neutrality means building independent defense capabilities without aligning with foreign military alliances (e.g., Sweden's historical neutrality before NATO membership considerations).
- Some neutral states adopt armed neutrality, where they actively deter aggression through strong self-defense measures while not engaging in external conflicts.

5. Prevention of Indirect Involvement

- A neutral state must prevent indirect contributions to the war effort of any side.

- No transit of troops, military supplies, or war materials through its territory, airspace, or waters.
- Control over financial transactions to ensure national institutions are not used to fund belligerents.

Expanded:

- Economic neutrality requires restricting or monitoring exports, especially of dual-use technologies (civilian goods that could have military applications).
- Neutral states may enforce sanctions or restrictions only if they apply equally to all belligerents, maintaining impartiality.

Conclusion

Impartial non-participation means that a neutral state or entity avoids direct and indirect engagement in hostilities, maintains equal distance from all conflict parties, adheres to legal frameworks, ensures its defense is independent, and prevents indirect contributions to warfare. However, modern neutrality also allows for active peacebuilding, humanitarian aid, and mediation efforts as long as they do not compromise impartiality.

9-13 The Element of Actively Supporting Peace

In the context of modern neutrality in armed conflict, actively supporting peace means engaging in non-military efforts to prevent, resolve, or mitigate conflict while maintaining neutrality. A neutral state or entity does not take sides but plays a constructive role in peacebuilding, mediation, humanitarian aid, and conflict resolution.

Below are the key aspects of actively supporting peace, with explanations and real-world examples:

1. Diplomatic Mediation & Conflict Resolution

Definition:

- Serving as an impartial mediator to facilitate negotiations between warring parties.
- Hosting peace talks or back-channel diplomacy efforts.
- Providing neutral ground for negotiations without favoring any side.

Examples:

- **Switzerland's Mediation Efforts**
    - Hosted peace negotiations for conflicts in Sudan, Syria, and Ukraine.

    - Acts as a protecting power, representing diplomatic interests for nations in conflict.
- **Norway's Role in the Israel-Palestine Peace Process**
    - Facilitated the Oslo Accords (1993) between Israel and the PLO.
    - Maintains an impartial stance while supporting conflict resolution.

2. Humanitarian Assistance & Protection of Civilians

Definition:

- Providing medical aid, shelter, and food to civilians affected by war.
- Ensuring refugee protection and asylum without taking a military stance.
- Supporting neutral humanitarian organizations like the Red Cross.

Examples:

- **Switzerland & the International Committee of the Red Cross (ICRC)**
    - Switzerland hosts and funds the ICRC, which provides neutral humanitarian aid worldwide.
    - The ICRC operates in conflict zones like Ukraine, Yemen, and Sudan without military affiliation.
- **Sweden's Humanitarian Response to the Syrian Civil War**
    - Provided asylum to thousands of Syrian refugees while remaining militarily neutral.
    - Funded UN-led humanitarian relief efforts without engaging in combat.

3. Peacekeeping & Monitoring (Without Military Engagement)

Definition:

- Supporting UN peacekeeping missions in a non-combat capacity.
- Deploying civilian observers or aid workers to monitor ceasefires and human rights.
- Providing logistical and medical support to peacekeeping efforts.

Examples:

- **Austria's UN Peacekeeping Missions**
    - Although neutral, Austria contributes logistical and medical support to UN peacekeeping operations.
- **Ireland's Role in UN Peacekeeping**
    - Irish forces serve in non-combat roles in UN missions in Lebanon and Mali, supporting peace without siding in conflicts.

4. Arms Control & Disarmament Efforts

Definition:

- Supporting international treaties to reduce arms proliferation.
- Advocating for nuclear disarmament and demilitarization.
- Ensuring a neutral stance on arms trade to avoid fueling conflicts.

Examples:

- **Switzerland & the Arms Trade Treaty (ATT)**
    - Advocates for restrictions on arms sales to conflict zones.
    - Promotes responsible arms control without military involvement.
- **Costa Rica's Commitment to Demilitarization**
    - Abolished its military and advocates for global peace policies.
    - Leads disarmament talks at the UN without aligning with military alliances.

5. Refugee Protection & Safe Haven Policies

Definition:

- Offering neutral asylum to refugees fleeing conflict.
- Ensuring non-discriminatory protection of displaced persons.
- Providing legal and humanitarian support for war victims.

Examples:

- **Sweden & Germany's Refugee Policies (Syrian Crisis, 2011-Present)**
    - Provided safe asylum to millions of displaced Syrians.
    - Maintained political neutrality while offering humanitarian protection.
- **Switzerland as a Safe Haven in WWII**
    - Accepted refugees while refusing to engage in military operations.
    - Provided diplomatic protection for victims of persecution.

6. Economic and Development Assistance

Definition:

- Providing post-conflict reconstruction aid without military involvement.
- Funding economic recovery programs in war-torn nations.
- Supporting education, healthcare, and governance reforms to stabilize regions.

Examples:

- **Norway's Development Aid to Afghanistan (Post-Taliban Era)**
    - Funded schools, healthcare, and women's rights programs without military presence.
    - Maintained neutral engagement in humanitarian development.
- **Switzerland's Support for Sudan's Peace Process**

- Provided economic reconstruction aid while remaining politically neutral.
- Hosted negotiations to end Sudanese conflicts without siding with any faction.

Conclusion

Actively supporting peace in modern neutrality means:

- Facilitating diplomatic mediation and peace talks.
- Providing humanitarian aid to civilians without military bias.
- Supporting peacekeeping missions in non-combat roles.
- Advocating for disarmament and arms control.
- Offering asylum and protection for war refugees.
- Funding post-conflict development to stabilize affected regions.

Modern neutrality is not passive—it involves proactive, impartial efforts to reduce suffering and build long-term peace.

9-14 The Element of Humanitarian Aid

In the context of modern neutrality in armed conflict, humanitarian aid refers to impartial, life-saving assistance provided to civilians affected by war, ensuring relief efforts do not favor any side while upholding human dignity and international humanitarian law. It includes medical aid, food, shelter, refugee protection, and emergency response while adhering to neutrality, independence, and non-alignment.

Key Aspects of Humanitarian Aid in Modern Neutrality

1. Impartiality in Aid Distribution

Definition:

- Aid is provided solely based on need, regardless of nationality, ethnicity, or political affiliation.
- Assistance is not used as a political tool or to influence conflict outcomes.
- Aid organizations ensure equal access to resources for all affected populations.

Examples:

- **The International Committee of the Red Cross (ICRC) in Ukraine and Yemen**
  - Provides medical aid, food, and sanitation to both sides of conflicts.
  - Maintains strict neutrality while ensuring humanitarian access.
- **Médecins Sans Frontières (Doctors Without Borders) in Syria**

    - Treats wounded civilians from all sides, including rebel and government-held areas.

2. Medical Assistance & Emergency Relief

Definition:

- Providing healthcare, surgery, and trauma treatment to war-affected civilians.
- Supplying vaccinations, disease prevention, and mental health support in conflict zones.
- Supporting field hospitals and mobile clinics to reach displaced populations.

Examples:

- **Switzerland's Humanitarian Medical Support in Gaza**
    - Sends medical teams and supplies without engaging in political conflict.
- **Norwegian Refugee Council's Emergency Health Aid in Sudan**
    - Sets up mobile clinics to serve displaced civilians.

3. Refugee Protection & Safe Passage

Definition:

- Assisting displaced populations without military or political bias.
- Ensuring safe evacuation routes for civilians fleeing combat zones.
- Establishing refugee camps, asylum programs, and legal protection.

Examples:

- **Sweden & Germany's Syrian Refugee Resettlement Programs**
    - Provided asylum to millions of displaced Syrians while maintaining neutrality in the war.
- **Ireland's Humanitarian Corridors for Ukrainian Refugees (2022)**
    - Assisted in the safe evacuation of civilians without taking a military stance.

4. Food, Water & Shelter Assistance

Definition:

- Delivering food aid and clean water to prevent starvation and disease.
- Establishing temporary shelters and rebuilding homes for war-displaced families.
- Ensuring basic living conditions for vulnerable populations.

Examples:

- **UN's World Food Programme (WFP) in Afghanistan**
    - Provides emergency food supplies to millions while staying politically neutral.
- **Swiss Humanitarian Aid in Myanmar**

- Supports displaced Rohingya communities without engaging in the political conflict.

5. Neutral Support for Human Rights & Legal Protections

Definition:

- Ensuring compliance with international humanitarian law (e.g., Geneva Conventions).
- Advocating for the protection of civilians, prisoners of war, and vulnerable groups.
- Monitoring war crimes and human rights violations without political bias.

Examples:

- **ICRC's Monitoring of Prisoner Treatment in Iraq & Afghanistan**
  - Ensures humane treatment regardless of affiliation.
- **Switzerland's Advocacy for Civilian Protections in UN Peace Processes**
  - Supports international humanitarian laws while staying neutral.

6. Coordination with International Humanitarian Organizations

Definition:

- Working with neutral, independent relief organizations to maximize aid effectiveness.
- Providing logistical, financial, and operational support to global aid missions.
- Avoiding political conditions on aid, ensuring that assistance is purely humanitarian.

Examples:

- **Switzerland's Funding of the Red Cross & UNHCR**
  - Supports global humanitarian operations without military involvement.
- **Ireland's Role in the UN Office for the Coordination of Humanitarian Affairs (OCHA)**
  - Helps coordinate international emergency responses while maintaining neutrality.

Conclusion

Humanitarian aid in modern neutrality means:

- Providing neutral, life-saving assistance in war zones.
- Ensuring equal, impartial access to aid without political bias.
- Offering medical, food, and shelter support to civilians.
- Protecting refugees and displaced populations.
- Supporting international humanitarian law and rights protections.

Modern neutrality does not mean inaction—it means providing humanitarian relief while strictly avoiding alignment in the conflict.

9-15 The Element of Conflict Resolution

In the context of modern neutrality in armed conflict, conflict resolution refers to actively facilitating peace through diplomatic negotiations, mediation, ceasefire agreements, and post-conflict reconciliation, without taking sides in the conflict. It involves neutral states, international organizations, and mediators working to reduce hostilities, build trust, and create long-term solutions for sustainable peace.

Key Aspects of Conflict Resolution in Modern Neutrality

1. Diplomatic Mediation & Peace Talks

Definition:

- Acting as an impartial mediator to help conflicting parties reach agreements.
- Hosting neutral diplomatic spaces for peace negotiations.
- Facilitating back-channel diplomacy and confidential dialogue between adversaries.

Examples:

- **Switzerland's Mediation in Sudan**
  - Hosted negotiations to end civil war and promote peace agreements.
- **Norway's Role in the Oslo Accords (1993)**
  - Facilitated peace talks between Israel and the PLO, maintaining a neutral stance.

2. Ceasefire Negotiations & Truce Monitoring

Definition:

- Assisting warring parties in negotiating temporary or permanent ceasefires.
- Deploying neutral observers to ensure truce agreements are upheld.
- Establishing mechanisms to prevent violations and rebuild trust.

Examples:

- **Sweden's Role in Yemen Ceasefire (2018 Stockholm Agreement)**
  - Hosted UN-backed negotiations to reduce hostilities.
- **Switzerland's Support for Ukraine-Russia Ceasefire Talks**
  - Provided neutral diplomatic space for conflict de-escalation efforts.

3. Post-Conflict Reconciliation & Peacebuilding

Definition:

- Assisting in rebuilding governance structures after war.
- Promoting truth and reconciliation commissions to heal divisions.
- Supporting demobilization and reintegration of ex-combatants.

Examples:

- **South Africa's Truth and Reconciliation Commission (Post-Apartheid)**
  - Helped heal national divisions through neutral mediation.
- **Norway's Post-War Development Aid to Sri Lanka**
  - Funded peacebuilding projects after the civil war to promote stability.

4. International Law & Conflict Prevention

Definition:

- Strengthening legal frameworks to prevent future conflicts.
- Supporting UN peace resolutions and war crime accountability.
- Promoting neutral diplomacy to prevent wars before they start.

Examples:

- **Switzerland's Role in the Geneva Conventions**
  - Protects humanitarian laws during wartime while remaining neutral.
- **Costa Rica's Advocacy for Peace & Non-Militarization**
  - Supports international conflict prevention through diplomacy.

5. Supporting Local & Grassroots Peace Efforts

Definition:

- Engaging with local leaders and communities to resolve conflicts.
- Supporting civil society initiatives for long-term peace.
- Strengthening education, dialogue, and non-violent solutions.

Examples:

- **Switzerland's Community Peace Programs in Mali**
  - Funds local conflict resolution projects to prevent violence.
- **Norway's Support for Women in Peacebuilding (UN Resolution 1325)**
  - Promotes gender-inclusive peace efforts worldwide.

6. Economic & Development-Based Conflict Resolution

Definition:

- Reducing tensions through economic cooperation and rebuilding war-torn economies.

- Preventing future wars by addressing root causes like poverty and resource disputes.
- Supporting neutral trade policies to avoid economic favoritism.

Examples:

- **Switzerland's Financial Aid for Post-War Bosnia**
  - Helped stabilize the region through reconstruction projects.
- **Norway's Economic Peace Initiatives in Colombia**
  - Supported agriculture and rural development to prevent conflict resurgence.

Conclusion

Conflict resolution in modern neutrality means:

- Facilitating diplomatic mediation without bias.
- Negotiating ceasefires & monitoring truces neutrally.
- Promoting post-war reconciliation & peacebuilding.
- Strengthening international law & preventing conflict.
- Supporting grassroots and community-led peace efforts.
- Addressing economic causes of war to prevent future conflicts.

Modern neutrality is not passive—it actively works toward sustainable peace while avoiding military alignment.

9-151 Case Studies

Below are real-world case studies showcasing how neutral actors have actively facilitated conflict resolution while maintaining impartiality. These cases illustrate diplomatic mediation, ceasefire negotiations, peacebuilding, and post-conflict reconciliation efforts.

1. Switzerland's Mediation in Sudan's Peace Process (2002-2005)

Background:

- Sudan was engulfed in a brutal civil war between the Sudanese government and the Sudan People's Liberation Army (SPLA) for decades.
- Switzerland, known for its neutral diplomatic policies, was approached to help mediate.

Neutral Conflict Resolution Efforts:

- Switzerland hosted secret peace talks between the Sudanese government and SPLA.
- Played a key role in crafting early ceasefire agreements.

- Provided neutral ground for diplomatic negotiations that led to the 2005 Comprehensive Peace Agreement (CPA).

Outcome:

- The CPA ended 21 years of civil war and led to South Sudan's independence in 2011.
- Switzerland remained strictly impartial, ensuring trust from both sides.
- Swiss diplomats continued supporting post-war reconciliation efforts.

2. Norway's Mediation in the Israeli-Palestinian Oslo Accords (1993)

Background:

- The Israeli-Palestinian conflict had led to decades of violence and failed peace talks.
- Norway, a neutral country without colonial ties, was chosen to facilitate secret peace talks.

Neutral Conflict Resolution Efforts:

- Norway hosted secret negotiations between Israeli and Palestinian leaders.
- Ensured equal treatment for both parties, avoiding political bias.
- Norwegian diplomats helped draft the Oslo Accords, which established a framework for Palestinian self-governance.

Outcome:

- The Oslo Accords led to mutual recognition between Israel and the Palestinian Authority.
- Norway was trusted by both sides, ensuring an impartial mediation process.
- The accords did not fully resolve the conflict but were a historic step toward peace.

3. Costa Rica's Permanent Neutrality & Role in Central American Peace (1983)

Background:

- The 1980s saw violent civil wars in Nicaragua, El Salvador, and Guatemala.
- Costa Rica, having abolished its military in 1949, was uniquely positioned to mediate.

Neutral Conflict Resolution Efforts:

- Declared permanent neutrality in 1983, refusing to take sides in regional conflicts.
- Hosted peace dialogues without military involvement.
- Costa Rican President Óscar Arias led negotiations that resulted in the Esquipulas Peace Agreement.

Outcome:

- The agreement led to ceasefires and democratic reforms in Central America.
- Costa Rica's neutrality ensured it was trusted by all factions.

- President Arias won the Nobel Peace Prize (1987) for his efforts.

4. Ireland's Role in the Northern Ireland Peace Process (1998)

Background:

- The Troubles (1968–1998) was a violent conflict between Irish nationalists and British loyalists in Northern Ireland.
- Ireland remained neutral, advocating for diplomatic resolution.

Neutral Conflict Resolution Efforts:

- Ireland supported peace talks while avoiding alignment with militant groups.
- Helped facilitate the Good Friday Agreement (1998) alongside the UK and US.
- Encouraged cross-community dialogue between Catholics and Protestants.

Outcome:

- The Good Friday Agreement ended most violence and established a power-sharing government.
- Ireland's neutral stance helped both communities trust the process.
- The agreement remains a model for conflict resolution worldwide.

5. Switzerland's Role in Iran-U.S. Diplomatic Relations

Background:

- The U.S. and Iran severed diplomatic ties after the 1979 Iranian Revolution.
- Switzerland, as a neutral country, acted as a diplomatic intermediary.

Neutral Conflict Resolution Efforts:

- Switzerland hosts backchannel diplomacy between U.S. and Iranian officials.
- Swiss diplomats deliver official messages between both governments.
- Played a role in negotiating the Iran Nuclear Deal (2015).

Outcome:

- Switzerland helped prevent direct escalation between the U.S. and Iran.
- Acted as a trusted intermediary for diplomatic communications.
- Continues to provide a neutral platform for negotiations.

6. Sweden's Mediation in Yemen's Ceasefire Agreement (2018)

Background:

- The Yemen Civil War (2014–present) has led to humanitarian catastrophe.
- Sweden, a neutral country, was selected to host ceasefire negotiations.

Neutral Conflict Resolution Efforts:

- Hosted Stockholm Agreement (2018) between Yemen's government and Houthi rebels.
- Ensured both parties received equal treatment in negotiations.
- Provided diplomatic and logistical support to ceasefire monitoring teams.

Outcome:

- The agreement reduced violence in key conflict zones.
- Sweden was respected by both sides, ensuring impartiality.
- It remains a key diplomatic actor in future peace efforts.

Key Lessons from These Case Studies

1. Neutrality Builds Trust – Neutral states like Switzerland, Norway, and Costa Rica are chosen for mediation because they do not take sides.
2. Diplomacy Over Force – Conflict resolution through dialogue, ceasefires, and negotiations prevents further violence.
3. Long-Term Commitment – Post-conflict peacebuilding is essential for stability after war.
4. International Law Matters – Adhering to humanitarian principles and neutrality laws strengthens credibility.

Conclusion

These case studies show that conflict resolution in modern neutrality is not passive—it requires:

- Active mediation and peace negotiations.
- Neutral diplomacy to build trust.
- Supporting ceasefires & reconciliation without bias.
- Post-conflict recovery efforts to prevent future wars.

Neutral countries play a vital role in ending wars without taking sides—demonstrating that peace can be built without force.

9-2 Permanent Neutrality

9-21 Switzerland and Austria

9-211 Modern Neutrality Challenges

While Switzerland and Austria remain officially neutral, their neutrality is increasingly challenged by geopolitical shifts, security threats, economic dependencies, and international pressure. This analysis explores the modern-day burdens of neutrality, comparing how both countries are adapting or struggling to maintain their status.

1. Military and Security Challenges

Switzerland: Struggling with Security Expectations

- Self-Defense Still a Priority:

- Switzerland maintains compulsory military service, a well-trained reserve army, and fortified infrastructure to sustain neutrality.
- However, its defense spending has declined relative to NATO countries, raising concerns about its preparedness.

- Pressure to Align with NATO & EU Security

- Switzerland is not in NATO but cooperates with NATO on training, intelligence, and military technology.
- Russia's invasion of Ukraine (2022) has triggered debate about whether neutrality is still a sustainable security policy.
- Some Swiss politicians suggest closer cooperation with NATO without formal membership, blurring neutrality.

- Cyber and Hybrid Threats

- Traditional neutrality does not protect against cyber warfare, espionage, or economic coercion.
- Switzerland has been targeted by cyberattacks linked to foreign intelligence agencies, showing the limits of military neutrality in the digital age.

Austria: Military Weakness and NATO Reliance

- Low Defense Spending & Readiness

- Austria spends less than 1% of GDP on defense, making it one of the weakest European militaries.
- Military experts warn that Austria cannot defend itself independently, leaving it reliant on EU and NATO cooperation despite its neutrality.

- Increased Security Pressure Post-Ukraine War

- Austria is not in NATO but is surrounded by NATO countries. If NATO engages in a conflict, Austria's neutrality could be compromised.
- NATO members (like the U.S. and Germany) have urged Austria to strengthen its defense capabilities, which contradicts its neutral stance.

- EU Defense Cooperation

- Austria is part of the EU's Common Security and Defense Policy (CSDP), which allows it to participate in European defense missions without joining NATO.
- However, critics argue that EU security involvement weakens Austria's neutrality, as the EU is more politically aligned with NATO.

2. Economic and Trade Challenges

Switzerland: Balancing Neutrality with Economic Globalization

- Strong Economy, but Trade Neutrality is Difficult

- Switzerland's banking sector and exports depend on access to global markets, requiring it to make political trade-offs.
- Sanctions on Russia (2022) forced Switzerland to choose between neutrality and EU alignment—Switzerland partially adopted EU sanctions, angering Moscow.

- Banking Secrecy Under Fire

- Switzerland's neutral financial policies have faced global scrutiny, particularly regarding sanctions enforcement, tax evasion, and frozen Russian assets.
- The U.S. and EU pressure Switzerland to enforce stricter financial regulations, pushing it closer to Western policies.

Austria: Economic Ties to the EU and Russia

- EU Membership Increases Economic Strength

- Unlike Switzerland, Austria is in the EU single market, meaning it must follow EU economic and trade policies.
- This gives Austria economic stability, but limits its ability to act fully independently in global trade.

- Dependency on Russian Energy

- Austria historically relied on cheap Russian gas, making it vulnerable to energy shocks after the Ukraine invasion.
- While Austria has reduced reliance on Russian energy, neutrality prevented it from quickly diversifying its energy partnerships.

- Sanctions and Diplomatic Pressure

- Austria's neutrality limits its ability to participate in EU military sanctions but still faces pressure from EU partners to take a stronger stance against Russia and China.
- Some argue Austria is becoming "neutral in name only," as it follows EU economic policies that indirectly support Western security interests.

3. Diplomatic and Political Challenges

Switzerland: Rising Global Pressure to Take Sides

- Conflicts Between Neutrality and Human Rights

- Switzerland is home to major international organizations (UN, Red Cross), making it a diplomatic hub.
- However, this also means Switzerland is pressured to speak out on human rights issues, which can conflict with strict neutrality.
- Example: Swiss banks held Russian oligarch assets—after the Ukraine invasion, Switzerland had to freeze billions in Russian accounts, partially abandoning its neutral stance.

- Limited Military Engagement, But Active Diplomacy

- Switzerland avoids military conflicts but actively mediates international disputes (e.g., Iran nuclear negotiations, Ukraine peace talks).
- This diplomatic role reinforces its neutrality but does not replace security guarantees.

Austria: Increasingly Questioned Neutrality

- Neutrality at Odds with EU Foreign Policy

- Austria's neutrality conflicts with EU policies that support military assistance to Ukraine.
- Some Austrian politicians suggest that neutrality should be revised or abolished, especially if the EU moves toward a stronger defense union.

- Rising Domestic Political Debate

- Pro-NATO vs. Pro-Neutrality Debate: Some Austrian leaders want closer military ties with the West, while others argue that neutrality is part of Austria's identity.
- Public Opinion Split: A majority still supports neutrality, but younger generations see security alliances as increasingly necessary.

- Maintaining a Diplomatic Middle Ground

- Austria remains a venue for international diplomacy, hosting nuclear disarmament talks and UN offices.
- However, its ability to remain neutral depends on European stability—if a major EU security crisis occurs, Austria may be forced to reconsider neutrality.

Conclusion: Is Neutrality Still Sustainable for Switzerland & Austria?

Switzerland: Mostly Sustainable, But Facing Pressure

- Strong economy and military allow Switzerland to remain neutral, but economic and security cooperation with NATO/EU is making neutrality less absolute.
- The Ukraine war, financial transparency issues, and cyber threats are forcing Switzerland to redefine what neutrality means in the modern world.

Austria: Neutrality is Becoming Increasingly Weak

- Austria's low military readiness, EU membership, and geopolitical pressures make neutrality more of a symbol than a strong security policy.
- Austria is more vulnerable to external pressures (from NATO, the EU, and Russia) than Switzerland.
- If European security deteriorates, Austria may have to abandon or redefine neutrality.

Final Verdict: Can Switzerland and Austria Stay Neutral?

Factor	Switzerland	Austria
Military Readiness	Strong (compulsory service)	Weak (low defense spending)
Dependence on Alliances	Low (self-sufficient)	High (relies on EU security stability)
Economic Independence	Strong (financial powerhouse)	Moderate (EU-regulated trade)
Geopolitical Pressure	Rising but still manageable	High, may force neutrality changes
Public Support for Neutrality	Strong support	Declining, younger generations divided

- Switzerland is still able to sustain neutrality, but under increasing strain.
- Austria's neutrality is fragile and may not survive future security crises.

9-212 Future Economic and Military Decisions

Switzerland and Austria face critical decisions regarding their economic policies, military strategies, and the future of their neutrality. As global security and economic conditions change, both countries must adapt without fully abandoning neutrality—or decide whether

neutrality is still viable. Below is an analysis of their likely future military and economic decisions and the risks involved.

1. Future Military Decisions

Switzerland: Strengthening Defense While Maintaining Neutrality

- Maintaining Armed Neutrality with Military Investment

- Switzerland will likely increase defense spending to keep up with regional security threats.
- It may modernize its military capabilities, including cyber defense, AI-based surveillance, and missile defense systems.
- Compulsory military service will likely remain, ensuring a trained reserve force.

- Closer NATO Cooperation Without Membership?

- Switzerland is under increasing pressure to cooperate more with NATO on intelligence sharing, military training, and joint exercises.
- Potential Decision: Switzerland may enter more security agreements without formally joining NATO, similar to Finland and Sweden before 2023.
- Risk: Closer cooperation could blur neutrality, making it harder for Switzerland to stay fully neutral in future conflicts.

- Adapting to New Security Threats (Cyber, Drones, Economic Warfare)

- Traditional neutrality does not protect against cyberattacks, financial coercion, or hybrid warfare.
- Switzerland will likely expand its cybersecurity force and create economic defense mechanisms to protect against foreign influence.
- Potential Decision: Switzerland may invest in cyber deterrence technology, such as AI-driven security systems or satellite defense networks.

- Final Prediction: Switzerland will remain militarily neutral but will increase security cooperation with NATO and Europe to deter modern threats.

Austria: Facing Pressure to End or Redefine Neutrality

- Austria's Weak Defense Forces—Major Dilemma

- Austria spends less than 1% of its GDP on defense, making it one of Europe's weakest military powers.
- The Ukraine war exposed Austria's military vulnerabilities, leading to calls for higher defense spending.
- Potential Decision: Austria may need to double its defense budget, increase troop numbers, and modernize its air force.

- Growing Calls to Join NATO or an EU Army?

- Austria's dependence on NATO security (without being a member) is a growing issue.
- If a major European war occurs, Austria may be forced to choose between joining NATO or relying entirely on EU security guarantees.
- Potential Decision: Austria could consider partial NATO participation (like Finland before full membership) while still claiming neutrality.
- Risk: This could anger Russia and neutrality supporters, dividing Austria's political landscape.

- EU Defense Commitments—Neutrality Under Threat

- Austria is part of the EU Common Security and Defense Policy (CSDP), which involves peacekeeping missions.
- If the EU moves toward a collective military force, Austria may struggle to balance its neutral status with EU obligations.
- Potential Decision: Austria may need to redefine its neutrality, allowing limited participation in EU defense missions.

- Final Prediction: Austria will either increase defense spending to sustain neutrality or slowly shift toward NATO/EU security agreements, eventually weakening or ending neutrality.

2. Future Economic Decisions

Switzerland: Navigating Between Global Powers

- Maintaining Banking and Financial Independence

- Switzerland's economy relies on banking, wealth management, and trade neutrality.
- Potential Decision: Switzerland will strengthen its economic sovereignty, preventing foreign governments from using its financial system for political influence.

- Balancing Between the U.S., EU, and China

- Switzerland must navigate increasing U.S.-China tensions without harming its financial and trade interests.
- Potential Decision: Switzerland will diversify trade and strengthen diplomatic ties with emerging markets to reduce dependence on Western economies.
- Risk: If the EU or U.S. imposes stricter economic sanctions on China or Russia, Switzerland may struggle to remain neutral.

- Adapting to Global Sanctions Policies

- After freezing Russian assets in 2022, Switzerland showed neutrality is harder in the modern world.

- Potential Decision: Switzerland may implement a new economic neutrality policy, allowing it to freeze assets in some cases while maintaining banking secrecy.
- Risk: This could damage Switzerland's reputation as a fully independent financial hub.

- Final Prediction: Switzerland will remain a financial powerhouse but will face more diplomatic pressure to align with Western sanctions.

Austria: Managing Economic Dependence on the EU and Russia

- Russian Energy Dependence—A Future Problem?

- Austria heavily relied on Russian gas, making it vulnerable to energy security risks.
- Potential Decision: Austria will likely diversify energy imports (e.g., buying more from Norway or Middle Eastern suppliers).
- Risk: Austria's past dependence on Russia could make it harder to negotiate energy deals with Western suppliers.

- EU Membership Brings Economic Stability

- Unlike Switzerland, Austria benefits from EU economic policies, including trade agreements and financial assistance.
- Potential Decision: Austria will continue integrating deeper into the EU economy, even if this weakens neutrality.
- Risk: If the EU imposes strict security policies that conflict with Austrian neutrality, Austria may have to choose between economic benefits and true neutrality.

- Growing Pressure to Follow EU Sanctions Policies

- Austria is expected to follow EU financial and trade policies, making it less independent in economic decisions.
- Potential Decision: Austria may have to fully align with EU sanctions on China or Russia, even if it contradicts neutrality.

- Final Prediction: Austria will remain economically dependent on the EU, making full neutrality less realistic over time.

Final Verdict: Will Switzerland and Austria Stay Neutral?

Factor	Switzerland (Likely Decision)	Austria (Likely Decision)
Defense Spending	Increase (modernization, cyber security, missile defense)	Increase, but still weak defense
NATO Cooperation	Closer NATO ties (without joining)	Possible shift toward NATO/EU security

Factor	Switzerland (Likely Decision)	Austria (Likely Decision)
Economic Independence	Maintain strong banking/trade neutrality	Increasing reliance on EU economic policies
Energy Security	Diversify suppliers, avoid Russian dependency	Move away from Russian gas, but slower transition
Sanctions Policy	Partial EU alignment (but maintaining some financial secrecy)	Full EU alignment, weakening neutrality
Public Support for Neutrality	Strong but slowly declining	Divided, growing support for NATO

- Switzerland: Will likely remain militarily neutral but economically and diplomatically closer to the West.
- Austria: Will likely abandon or redefine neutrality within the next 10-20 years due to EU and NATO pressure.

Long-Term Outlook (2050 and Beyond)

- **Switzerland:** Likely to stay militarily neutral but will act like an unofficial Western ally in economic and security matters.
- **Austria:** Likely to either join NATO or significantly weaken neutrality, especially if the EU integrates its defense policies further.

9-213 Neutrality Collapses

If Switzerland and Austria abandon neutrality, the consequences would be profound, impacting their security, economy, diplomacy, and public perception. This analysis explores different scenarios based on how and why neutrality might collapse, and the potential outcomes for each country.

1. Switzerland: A Collapse of Neutrality – Potential Scenarios

Switzerland has maintained neutrality since 1815, but rising global pressure and security threats could force it to rethink its stance. Below are possible scenarios:

Scenario 1: Switzerland Joins NATO or a Military Alliance

- Trigger:

- Increased Russian aggression in Europe or major security threats (e.g., cyberattacks, hybrid warfare).
- Swiss politicians argue that neutrality leaves the country too vulnerable.
- Growing pressure from the U.S. and NATO to integrate into Western defense structures.

- Consequences:

- Stronger Military Protection: NATO membership would provide a direct security guarantee, eliminating the need for Switzerland's large independent defense force.
- Better Intelligence Sharing: Switzerland would gain access to high-level intelligence networks, improving cyber and hybrid warfare defense.
- Loss of Diplomatic Neutrality: Switzerland could no longer act as a mediator in global conflicts. Geneva might lose its status as a diplomatic hub for peace talks.
- Economic Risks: Switzerland's independent banking system might face more regulations, as NATO and the EU would expect it to fully align with Western sanctions policies.
- Public Backlash: Swiss citizens have historically opposed military alliances—there could be strong political divisions and even protests.

- Likelihood: Low (Switzerland highly values independence)

- Most Likely Outcome: Closer NATO cooperation without formal membership.

Scenario 2: Switzerland Faces a Security Crisis and Is Forced to Choose Sides

- Trigger:

- A major European war that directly affects Switzerland.
- Sanctions warfare—the EU, U.S., or China pressures Switzerland to take a side.
- A major cyberattack or terrorist attack that exposes weaknesses in Swiss defense.

- Consequences:

- Increased Defense Spending: Switzerland would need to rapidly modernize its military to avoid dependence on NATO.
- Financial System Under Pressure: If Switzerland imposes sanctions on a major economy (e.g., China, Russia), it could face retaliation, including frozen Swiss assets abroad or trade bans.
- End of Banking Neutrality: Switzerland's banking secrecy could be fully dismantled, as the country aligns with Western financial regulations.

- Loss of Global Trust in Swiss Neutrality: Countries that previously relied on Swiss mediation (e.g., Iran, Ukraine, Russia) would no longer see it as a trusted neutral party.

- Likelihood: Moderate (Neutrality remains but under increasing strain)
- Most Likely Outcome: Switzerland remains “officially” neutral but is effectively aligned with NATO and the West.

2. Austria: A Collapse of Neutrality – Potential Scenarios
Austria’s neutrality has always been less stable than Switzerland’s. The country is already closely tied to the EU, making neutrality harder to maintain.

Scenario 1: Austria Fully Joins NATO
- Trigger:
- A European security crisis forces Austria to abandon neutrality.
- Public opinion shifts due to increasing military threats (e.g., Russian aggression in Eastern Europe).
- Austria realizes that EU defense policies are not enough, and it needs NATO’s protection.

- Consequences:
- Full NATO Security Guarantees: Austria would no longer need to rely on its small military, as NATO’s Article 5 (collective defense) would protect it.
- Military Modernization: Austria would receive NATO funding and advanced military technology, improving its air force and cybersecurity.
- Russian Retaliation: If Austria joins NATO, Russia could impose economic sanctions (e.g., cutting energy supplies, banning trade with Austria).
- Neutrality Policy Completely Abandoned: Austria’s identity as a neutral state would disappear, leading to political debates and possible unrest.
- EU Tensions: Austria’s shift could put pressure on other neutral EU states (e.g., Ireland, Malta) to follow, potentially dividing the EU.

- Likelihood: Moderate to High (if European security worsens)
- Most Likely Outcome: Austria either joins NATO or builds a stronger security partnership with it.

Scenario 2: Austria Becomes a "Semi-Neutral" EU State

- Trigger:

- Austria faces pressure from the EU to contribute more to European security.
- Austria doesn't want to fully join NATO but needs stronger security guarantees.
- Austria's economy and trade interests require closer alignment with EU defense policies.

- Consequences:

- Increased EU Military Role: Austria would join EU-led defense projects, such as joint European military operations.
- Avoids NATO Membership, But Still Protected: Austria might not join NATO but could sign a separate security pact with NATO countries (similar to Sweden before 2023).
- Neutrality Would Be Weakened: Austria could no longer claim true neutrality, making it harder to mediate conflicts.
- Political Conflicts: Austrian political parties would be divided over neutrality, with nationalists opposing military alignment.

- Likelihood: Very High (Austria is already moving toward this model)

- Most Likely Outcome: Austria gradually shifts to an EU-aligned security policy, reducing but not fully abandoning neutrality.

Comparison: What Happens If Neutrality Collapses in Switzerland vs. Austria?

Factor	Switzerland (Collapse of Neutrality)	Austria (Collapse of Neutrality)
Military	Joins NATO OR strengthens self-defense	Joins NATO OR strengthens EU security ties
Diplomacy	Loses credibility as a mediator	Already less neutral, would integrate fully into EU security
Economy	Banking secrecy weakens, sanctions increase	Economic ties shift fully toward EU/NATO markets
Public Reaction	Strong resistance from Swiss citizens	Mixed reaction; younger generations support NATO
Geopolitical Risks	Could face cyberattacks, pressure from Russia/China	Possible Russian retaliation (sanctions, trade bans)

Final Verdict: Who Would Lose More If Neutrality Collapses?

- Switzerland

- Would lose global trust in its financial system and diplomatic neutrality.
- Could face strong public backlash over NATO membership.
- Economic consequences would be severe, as banking secrecy would likely be dismantled.
- Most likely path: Remain officially neutral but heavily aligned with NATO.

- Austria

- Would likely integrate into NATO or an EU defense structure, making neutrality obsolete.
- Public resistance would be lower, as Austria is already EU-integrated.
- Most likely path: Joins NATO or creates a formal EU security pact.

Conclusion: Who Will Abandon Neutrality First?

- Austria is more likely to abandon neutrality first, possibly within the next 10-20 years.
- Switzerland will hold onto neutrality longer but will face increasing pressure to act as a Western ally.

9-213.1 A Hypothetical Timeline

If neutrality collapses, it will likely happen gradually rather than as a sudden event. Below is a possible timeline for both Switzerland and Austria, detailing key milestones and decision points over the next 20 years.

1. Austria: The Faster Collapse of Neutrality (2030–2045)

Austria's neutrality is already weak due to its EU membership and NATO partnerships. The following timeline shows how Austria could gradually abandon neutrality and integrate into Western security structures.

2025–2030: First Steps Toward NATO Alignment

- Increased Defense Spending

- Austria doubles its military budget to reach 2% of GDP, following EU and NATO recommendations.
- NATO countries increase joint exercises with Austria's military, preparing for deeper cooperation.

- Public Debate on NATO Membership Begins

- Austrian leaders question whether neutrality still serves Austria's interests.

- Polls show young voters support NATO, while older generations still prefer neutrality.

- Russia Warns Austria Not to Join NATO

- Russia threatens **economic retaliation** if Austria formally abandons neutrality.
- Austria begins **reducing its energy dependence on Russian gas**.

2031–2035: The Collapse of Official Neutrality

- A European Security Crisis Pushes Austria Closer to NATO

- A new regional war or cyberattacks on European infrastructure force Austria to choose between neutrality and security alliances.
- Austria quietly signs a security agreement with NATO, giving it indirect military protection.

- Austria Increases EU Defense Commitments

- Austria joins EU joint military forces, effectively ending neutrality in practice, but not officially.
- Austrian troops are deployed in an EU military operation, contradicting its neutrality stance.

- Public Resistance But No Major Protests

- Some Austrian citizens oppose the shift, but most support stronger security ties.

2036–2045: Austria Becomes a Fully Aligned NATO State

- Austria Officially Joins NATO (Late 2030s or Early 2040s)

- A major European security event (e.g., NATO-Russia tensions, cyberwarfare, or military conflict) forces Austria to formally apply for NATO membership.
- The EU and NATO support Austria's membership, accelerating its integration.

- Russia Retaliates Economically

- Russia imposes sanctions on Austria, banning Austrian companies from operating in Russian markets.
- Austria shifts its trade policy to fully align with NATO and EU standards.

- By 2045, Austria is no longer neutral—it is a full NATO member and an integrated part of European security structures.

2. Switzerland: A Gradual Shift Toward Indirect Alliance (2030–2050)

Switzerland's neutrality is deeply ingrained in its identity, but growing security and economic pressures might push it toward a quasi-allied status with NATO.

2025–2030: First Signs of NATO Cooperation

- Swiss Military Modernization

- Switzerland increases defense spending, particularly on cybersecurity, missile defense, and artificial intelligence-based surveillance.
- Joint Swiss-NATO military training programs expand, even though Switzerland is still not a NATO member.

- Public Debate on Whether Neutrality Is Still Viable

- Swiss policymakers discuss closer security ties with NATO without formal membership.
- Right-wing and nationalist parties strongly defend neutrality, but younger Swiss voters increasingly favor deeper cooperation with NATO.

- Switzerland Strengthens Cybersecurity With NATO Partners

- Switzerland signs a defense intelligence-sharing agreement with NATO.
- NATO helps Switzerland develop stronger cyber defenses, especially against state-sponsored attacks from Russia and China.

2031–2040: Switzerland's Neutrality Becomes Weaker in Practice

- Sanctions and Economic Pressures Increase

- Switzerland faces increasing pressure from the EU and U.S. to fully align with Western financial sanctions against Russia and China.
- Swiss banks gradually reduce ties with Russian and Chinese oligarchs, making neutrality economically harder to maintain.

- Switzerland Joins European Defense Initiatives Without NATO Membership

- Switzerland participates in joint European intelligence-sharing programs and military technology research.
- Swiss companies start working with NATO defense contractors, further blurring neutrality.

- A Major Security Crisis Pushes Switzerland Toward NATO Cooperation

- A cyberattack or hybrid warfare event against Switzerland (e.g., Russian or Chinese interference in financial markets) forces Switzerland to seek greater Western security guarantees.
- The Swiss government signs a non-binding security agreement with NATO, allowing closer military coordination in case of war.

2041–2050: Switzerland Becomes a De Facto NATO Ally

- Switzerland Enters a NATO Partnership Agreement

- While still not officially joining NATO, Switzerland signs an agreement allowing NATO military forces to coordinate with Swiss defense in emergencies.
- Swiss airspace becomes part of NATO's air defense network.

- Swiss Banking Neutrality Officially Ends

- Switzerland fully aligns with EU and U.S. sanctions policies, ending its long-standing financial neutrality.
- Swiss banks lose some international clients, but the economy shifts to high-tech and cybersecurity industries to maintain economic strength.

- Loss of Full Diplomatic Neutrality

- Switzerland loses credibility as a mediator for international conflicts, as many countries (e.g., Russia, China) no longer see it as truly neutral.

- By 2050, Switzerland remains "officially neutral" but functions as an unofficial NATO and EU ally.

Final Predictions: Which Country Loses Neutrality First?

Factor	Austria (Likely Timeline)	Switzerland (Likely Timeline)
First Major Shift	2025–2030 (Defense Spending Increase)	2025–2030 (NATO Cybersecurity Cooperation)
Neutrality Becomes Weak	2031–2035 (EU & NATO Cooperation)	2031–2040 (Economic Alignment with NATO)
Officially Ends Neutrality	2036–2045 (Joins NATO)	2041–2050 (Signs NATO Security Pact, but not membership)
Public Reaction	Mixed, but younger generations support NATO	Strong resistance, but economic realities weaken neutrality
Final Outcome by 2050	Full NATO Member, No More Neutrality	Still "officially" neutral, but functions as a Western ally

Final Conclusion: The Collapse of Neutrality is More Likely in Austria First

- Austria is likely to abandon neutrality entirely within the next 10-20 years and join NATO due to security pressures and EU military integration.
- Switzerland will take a slower approach, maintaining "official" neutrality while increasingly aligning itself with Western security policies.

- By 2050, Switzerland will still claim neutrality, but it will be militarily and economically tied to NATO and the EU.

9-214 Neutrality Remains Strong

While the collapse of neutrality in Switzerland and Austria seems possible, it is not inevitable. Below is a realistic scenario where both countries successfully maintain and even strengthen their neutrality by adapting to new geopolitical, economic, and security challenges.

1. Switzerland: Reinforcing Armed Neutrality Through Innovation

Switzerland's long history of self-defense and diplomatic independence provides a strong foundation for maintaining neutrality. The key to preserving it in the future will be military self-sufficiency, economic independence, and diplomatic flexibility.

2025–2030: Strengthening Military & Cyber Defenses While Remaining Neutral

- Increased Defense Spending (Without NATO Membership)

- Switzerland modernizes its military technology, investing in AI-driven surveillance, autonomous defense systems, and advanced cybersecurity.
- Cyber neutrality doctrine: Switzerland develops one of the world's strongest cyber-defense programs, making it less vulnerable to external threats.

- Strengthening Self-Defense Without Alliances

- Switzerland reaffirms neutrality in a new National Defense Strategy, ensuring it can defend itself without relying on NATO.
- New investments in drone technology and AI-driven early warning systems improve Swiss airspace security.

- Denying NATO Membership While Expanding Cooperation

- Switzerland continues military training with NATO but clearly states it will never join.
- It adopts a "Swiss First" policy, ensuring military purchases are domestically produced or from neutral suppliers.

2031–2040: Economic & Diplomatic Resilience Against Global Pressures

- Economic Independence Through Diversification

- Switzerland avoids over-reliance on the EU, U.S., or China by expanding trade with emerging economies like India, Brazil, and Africa.

- New banking neutrality model: Swiss banks introduce ethical investment regulations, preventing funds from being used for war efforts while maintaining financial independence.

- Resisting Sanctions Pressures

- Switzerland remains a global financial hub by adopting a strict “no-sanctions” policy, refusing to freeze assets unless backed by a UN resolution.
- The Swiss government rejects further EU and U.S. pressures to fully align with Western sanctions policies.

- Reinforcing Diplomatic Neutrality as a Global Mediator

- Switzerland hosts peace talks on international conflicts, increasing its reputation as a neutral negotiator (e.g., Ukraine-Russia peace efforts).
- New Swiss Diplomacy Doctrine: Establishes Switzerland as the primary global mediator in political conflicts.

- Outcome by 2040: Switzerland maintains a strong independent defense, a neutral economy, and global diplomatic leadership.

2041–2050: The Model of Future-Proof Neutrality

- Military Innovation Without Military Alliances

- Switzerland develops fully autonomous defense systems, reducing its need for NATO cooperation.
- AI-powered border security and surveillance make Swiss territory nearly impenetrable to foreign threats.

- Global Recognition of Switzerland as a Permanent Neutral State

- A new Swiss neutrality treaty is signed at the United Nations, reaffirming Switzerland’s role as a neutral power in global governance.
- Other countries start adopting Swiss-style neutrality policies, making neutrality more attractive internationally.

- By 2050, Switzerland remains truly neutral, proving that military independence, economic flexibility, and strong diplomacy can sustain neutrality in a changing world.

2. Austria: A European Neutrality Leader Within the EU

Austria’s neutrality has historically been more fragile, but if carefully managed, it can remain neutral while actively shaping European security policy without NATO membership.

2025–2030: Strengthening European Neutrality While Avoiding NATO

- EU Security Cooperation Without NATO Membership

- Austria expands its role in EU security initiatives but refuses to participate in offensive military operations.
- Austria advocates for a “neutral bloc” within the EU, working with Ireland, Finland (if it leaves NATO), and Sweden to resist full military integration.

- New Military Doctrine Focused on Defense Only

- Austria invests in self-defense technology instead of offensive military capabilities.
- A new Austrian Defense Force modernization program focuses on border security, cybersecurity, and advanced defense infrastructure.

2031–2040: Economic Neutrality & Stronger Diplomatic Mediation

- Energy Independence to Reduce Foreign Pressure

- Austria shifts to 100% renewable energy, reducing dependence on Russian gas or NATO-aligned energy sources.
- This allows Austria to avoid being pressured into economic sanctions against other countries.

- New Economic Diplomacy Model

- Austria diversifies its economic ties, strengthening trade with Switzerland, Norway, and non-military EU economies.
- A new Austrian financial framework prevents its economy from being used for military purposes, reinforcing neutrality.

- Neutrality as an EU Diplomatic Strategy

- Austria positions itself as a mediator between NATO and non-aligned nations, making it a critical player in European peacekeeping efforts.

- Outcome by 2040: Austria strengthens its role as a neutral peacekeeping power within the EU without joining NATO.

2041–2050: Austria as the EU’s Neutral Peacemaker

- Leads a European Neutrality Coalition

- Austria, Ireland, and Switzerland form a European Neutrality Alliance, ensuring that neutrality remains viable in Europe.
- Austria proposes a new EU policy allowing security cooperation without full military integration.

- Develops a New “Neutrality Framework” for Future Conflicts

- Austria and Switzerland create a UN-backed neutrality system, helping other countries adopt neutral policies.

- Austria becomes a leader in peacekeeping diplomacy, enhancing its international reputation.

- By 2050, Austria remains neutral within the EU, proving that a country can be part of Europe's security strategy without joining NATO.

Final Verdict: Can Switzerland and Austria Keep Neutrality Alive?

Factor	Switzerland (Strong Neutrality)	Austria (Strong Neutrality)
Military	High-tech self-defense, no alliances	EU security, but no NATO membership
Economic Policy	Financial neutrality, avoids full Western sanctions	Energy and trade independence
Sanctions Policy	Only UN-backed sanctions, rejects U.S./EU pressure	Avoids economic coercion from big powers
Diplomatic Role	Major global mediator (Ukraine, Middle East)	Leader of a neutral bloc in the EU
Public Support	Strong majority favors neutrality	Divided, but neutrality policy becomes more accepted

Final Conclusion: Neutrality Can Survive, But Only With Innovation

- Switzerland can remain neutral by strengthening military self-sufficiency and reinforcing its global role as a mediator.

- Austria can stay neutral within the EU by leading a non-military security bloc, avoiding NATO while still shaping European defense policy.

9-3 Scenario Global Neutrality Movement

Future Scenario: A Global Neutrality Movement (2030–2060)

In this scenario, Switzerland and Austria successfully preserve their neutrality, inspiring other nations to adopt or return to neutrality. Over time, neutrality becomes a viable alternative to military alliances, creating a global neutrality movement that reshapes international security, diplomacy, and economic policies.

1. 2030–2040: The Rise of a New Neutrality Bloc

Switzerland & Austria Lead the Way

- Swiss and Austrian Neutrality Strengthens

- Switzerland modernizes its self-defense capabilities and cyber defenses, proving that a neutral country can be militarily strong without alliances.
- Austria, Ireland, and Switzerland establish a European Neutrality Coalition (ENC) within the EU, resisting military integration while promoting peacekeeping and diplomatic mediation.

- Global Interest in Neutrality Grows

- Asian and African nations struggling to remain independent from global superpowers see neutrality as a viable alternative to military alliances.
- Countries like Singapore, Mongolia, and some Latin American nations start developing neutral security doctrines inspired by Switzerland and Austria.

- UN Introduces a New Neutrality Framework

- Switzerland proposes a UN-backed neutrality certification, allowing countries to declare formal neutrality status under international law.
- Neutral nations gain legal protections against foreign intervention, creating a stronger basis for neutrality.

2. 2041–2050: The Expansion of Neutrality Beyond Europe

More Countries Declare Neutrality

- Ireland, Finland, and Sweden Consider Neutrality Again

- As global tensions ease, some NATO countries reassess military alliances and explore a return to non-alignment.
- Finland and Sweden, having joined NATO in the 2020s, begin debating whether military neutrality offers better long-term security.

- New Neutral Countries in Asia and Latin America

- Singapore formally declares neutrality, investing in self-defense technologies similar to Switzerland.
- Mongolia, Costa Rica, and Uruguay strengthen their neutrality policies, setting an example for smaller nations to resist military blocs.
- India leads a non-aligned movement, reinforcing its independent foreign policy while avoiding military pacts with the U.S. or China.

- Switzerland Creates the Global Neutrality Alliance (GNA)

- Inspired by NATO and the EU, Switzerland establishes a global alliance of neutral states focused on:
    - Economic cooperation (independent trade agreements outside military blocs)
    - Shared cybersecurity and intelligence (to prevent foreign interference)
    - Collective peacekeeping missions (offering diplomatic solutions instead of military force)

- NATO and Military Alliances React

- The U.S. and NATO pressure neutral countries to remain aligned with Western policies, fearing neutrality might weaken Western military power.
- China and Russia try to influence neutral nations economically, offering trade incentives to join their spheres of influence.

- Outcome by 2050: A group of 20+ neutral nations actively participate in global security and diplomacy without joining military alliances.

3. 2051–2060: A New Era of Security Without Military Alliances

Neutrality Becomes a Mainstream Security Model

- UN Recognizes Neutrality as an Official Global Security Model

- Switzerland, Austria, and the Global Neutrality Alliance (GNA) successfully lobby the UN to recognize neutrality as a protected international status.
- Neutrality is no longer seen as passive non-engagement but as an active alternative to war-driven alliances.

- Technological Advances Make Neutrality More Viable

- AI-based early warning systems, advanced missile defense, and automated cyber-defense platforms allow neutral states to defend themselves without military alliances.
- Neutral countries develop collective intelligence-sharing networks to prevent hybrid warfare threats.

- More Countries Join the Global Neutrality Alliance (GNA)

- New neutral countries include Malaysia, South Africa, Brazil, and Indonesia, all seeking a middle ground between U.S., China, and Russian influence.
- The Global Neutrality Alliance develops a joint security framework, allowing neutral states to support each other in crisis situations without forming military pacts.

- Tensions Between Neutrality and Military Blocs

- NATO and China-led alliances view neutrality as a challenge, as more countries choose self-defense over military alliances.
- Some military-industrial companies lobby against neutrality, fearing it will reduce arms sales and military spending.

- Outcome by 2060: Neutrality is no longer an exception but a mainstream global policy, with over 30 nations officially neutral under UN protection.

Final Verdict: Could Neutrality Replace Military Alliances?

Factor	Before 2030 (Current World)	By 2060 (Global Neutrality Scenario)
Number of Neutral Countries	Few (Switzerland, Austria, Ireland, Singapore, Costa Rica)	30+ neutral nations worldwide
Military Alliances	Dominated by NATO, U.S., China, Russia	Military alliances exist, but neutrality becomes a strong alternative
Defense Strategies	Reliance on NATO, regional alliances	High-tech self-defense models (Swiss-style military)
Diplomatic Influence of Neutral Countries	Limited	Switzerland, Austria, and GNA become global mediators
Economic Policies	Trade and sanctions dictated by military alliances	Neutral trade agreements promote independent economic policies
Public Support for Neutrality	Mixed, mostly in smaller nations	Grows as military alliances become expensive and less effective

Final Prediction: Neutrality Can Become a Global Movement

- By 2060, neutrality is no longer a niche policy but a respected and powerful global stance.
- Switzerland and Austria lead the movement, proving that self-defense and diplomacy can replace military alliances.
- The UN formally recognizes neutral nations as independent forces in global security.
- Neutral countries create their own security and economic frameworks, preventing dominance by any single superpower.

9-4 Countries with Potential for Neutrality

Countries with the Best Potential to Become Neutral (2030–2060)

Several countries could adopt or return to neutrality based on their geopolitical position, economic strength, historical non-alignment, and public sentiment. Below is a list of nations

with the highest potential to embrace neutrality, along with the reasons why they might do so.

1. Strongest Candidates for Neutrality (Most Likely by 2030–2040)

Singapore – The "Switzerland of Asia"

- Why It Could Become Fully Neutral:

- Already practices de facto neutrality by avoiding military alliances while maintaining strong self-defense capabilities.
- Has a powerful economy and diplomatic ties with both the U.S. and China, making neutrality an attractive option.
- Geopolitical necessity—as tensions rise in the South China Sea, Singapore may find neutrality the safest long-term option.

- Challenges:

- U.S. and China may pressure Singapore to choose a side in future conflicts.
- Its strategic location makes complete neutrality difficult, but it could adopt a Switzerland-style neutrality model.

- Prediction: By 2040, Singapore could declare permanent neutrality, focusing on economic and cyber defense rather than military alliances.

India – Returning to Non-Alignment?

- Why It Could Become More Neutral:

- Historically led the Non-Aligned Movement (NAM) during the Cold War.
- Prefers strategic autonomy, avoiding full alliances with the U.S. or China.
- Strong military and economy allow it to remain independent of Western and Eastern military blocs.

- Challenges:

- Border tensions with China and Pakistan make military neutrality harder.
- India depends on U.S. and Russian military technology, complicating a full return to neutrality.

- Prediction: India may establish a "New Non-Aligned Movement" by 2040, balancing diplomacy without joining military alliances.

Uruguay – South America's Switzerland?

- Why It Could Become Neutral:

- Strong democratic institutions and a stable economy allow it to remain outside global military conflicts.
- Already follows a neutral foreign policy, avoiding regional disputes.

- Could become a regional peacekeeping leader in South America.

- Challenges:

- Needs stronger military deterrence to sustain neutrality long-term.
- Political shifts could influence whether neutrality is a long-term strategy.

- Prediction: By 2040, Uruguay could declare formal neutrality, positioning itself as a diplomatic hub in Latin America.

2. Potential Neutral Nations by 2050 (Moderate Likelihood)

Finland & Sweden – NATO Reconsideration?

- Why They Could Return to Neutrality:

- Both were neutral for decades before joining NATO in 2023.
- If NATO becomes less effective or politically unpopular, Finland and Sweden may consider returning to non-alignment.
- Public opinion could shift as younger generations favor neutrality over military spending.

- Challenges:

- Russian aggression made NATO membership a necessity, making neutrality unlikely in the short term.
- Would require a major geopolitical shift for them to reconsider neutrality.

- Prediction: By 2050, Finland and Sweden might reduce NATO involvement, possibly adopting a “soft neutrality” stance.

Ireland – Strengthening European Neutrality?

- Why It Could Reinforce Neutrality:

- Already neutral and not a NATO member, but pressure is growing to align with Western military policies.
- If Austria and Switzerland lead a European Neutrality Bloc, Ireland could join.

- Challenges:

- Ireland’s economic and security dependence on the EU and UK might prevent total neutrality.

- Prediction: By 2040, Ireland could join a European Neutrality Coalition instead of NATO.

South Africa – A New Non-Aligned Power?

- Why It Could Become Neutral:

- Historically supported non-alignment during the Cold War.
- Prefers strategic autonomy, avoiding deep military alliances with the U.S. or China.

- Challenges:

- Internal political instability and economic challenges could prevent full neutrality.

- Prediction: By 2050, South Africa could help lead a “Neutrality Alliance” in Africa.

3. Future Neutral Nations by 2060 (Long-Term Possibilities)

Brazil – A Global Neutral Mediator?

- Why It Could Become Neutral:

- Brazil is a regional power with the economic and diplomatic weight to adopt neutrality.
- Prefers diplomatic engagement over military conflicts, making it a good candidate for neutrality.

- Challenges:

- Brazil’s regional security needs might keep it engaged in military coalitions.

- Prediction: By 2060, Brazil could formally adopt neutrality, positioning itself as a global peace negotiator.

Indonesia – A Southeast Asian Neutrality Leader?

- Why It Could Become Neutral:

- Indonesia already follows a balanced foreign policy, avoiding alignment with the U.S. or China.
- Has a strong military and economy, giving it the capability to remain neutral.

- Challenges:

- Rising tensions in the South China Sea might force Indonesia to choose a side.

- Prediction: By 2060, Indonesia could formally declare neutrality, leading a regional “ASEAN Neutrality Pact.”

Final Verdict: The Best Candidates for Neutrality by 2060

Country	Likelihood of Becoming Neutral	Key Factors
Singapore	Very High (2035–2040)	Economic & military self-sufficiency, avoids conflicts
India	High (2040–2050)	Revives non-alignment, strong military & economy
Uruguay	High (2040)	Already practices de facto neutrality

Country	Likelihood of Becoming Neutral	Key Factors
Ireland	Medium-High (2040)	Could lead European neutrality with Austria & Switzerland
South Africa	Medium (2050)	Could revive non-alignment in Africa
Brazil	Medium (2060)	Future diplomatic leader, but regional security concerns
Indonesia	Medium (2060)	ASEAN regional security could push it toward neutrality
Finland & Sweden	Low (2050)	Possible NATO reconsideration, but unlikely soon

- Most Likely New Neutral Powers by 2040: Singapore, India, Uruguay, and Ireland.
- A Global Neutrality Movement by 2060 could include: Brazil, South Africa, and Indonesia.

9-5 Global Neutrality Alliance and NATO, China

Future Scenario: A Global Neutrality Alliance Competes with NATO and China (2040–2070)

By the mid-21st century, a growing number of nations have rejected traditional military alliances in favor of neutrality-based security cooperation. This shift leads to the formation of a Global Neutrality Alliance (GNA), a bloc of nations that prioritize peace, diplomacy, and independent defense policies rather than joining power blocs like NATO, the U.S., or China.

1. 2040–2050: The Formation of the Global Neutrality Alliance (GNA)

Triggers for the Neutrality Movement

- Increased Global Military Conflicts

- The world experiences rising regional wars, cyber conflicts, and resource-based tensions, increasing demand for an alternative to military alliances.
- NATO and China-led security pacts escalate global tensions, leading some nations to seek non-alignment strategies.

- Switzerland, Austria, and Singapore Lead the Movement

- Switzerland and Austria establish the Global Neutrality Alliance (GNA), inviting other non-aligned nations to join.
- Singapore declares permanent neutrality, positioning itself as Asia's Switzerland.

- Other Countries Join the GNA

- Uruguay, Ireland, India, South Africa, and Indonesia formally align with the GNA, rejecting NATO or Chinese military cooperation.
- Brazil and Malaysia sign neutrality agreements, moving toward non-alignment.

Structure of the GNA (Global Neutrality Alliance)

- Headquarters: Geneva, Switzerland
- Security Model: Self-defense, no military alliances, cyber-defense cooperation
- Economic Policy: Independent trade pacts, avoiding sanctions pressure from NATO/U.S./China
- Diplomatic Role: Global mediators in military conflicts

By 2050, the GNA has 15+ member nations, forming a third way between NATO and China-led military alliances.

2. 2051–2060: The GNA Becomes a Major Global Player

Challenges to NATO and Chinese Influence

- NATO Pressures GNA Countries to Align

- The U.S. and NATO view the GNA as a challenge to Western security dominance.
- NATO applies economic and diplomatic pressure on neutral states to join military alliances.

- China Tries to Influence the GNA Economically

- China offers massive trade deals to GNA countries to pull them into its sphere of influence.
- Some GNA nations resist, while others like Indonesia and South Africa negotiate limited cooperation with China.

- GNA Develops Its Own Security Framework

- Instead of relying on NATO or China, the GNA invests in AI-driven cyber defense, drone security, and energy independence.
- Switzerland and Singapore lead the development of autonomous military defense systems, ensuring GNA members remain militarily self-sufficient.

GNA vs. NATO vs. China: The Three Global Blocs by 2060

Factor	Global Neutrality Alliance (GNA)	NATO/U.S. Bloc	China-Led Bloc
Core Members	CH AT SG IN UY IE ID ZA	US GB EU JP AU	CN RU IR KP

Factor	Global Neutrality Alliance (GNA)	NATO/U.S. Bloc	China-Led Bloc
Security Model	Self-defense, AI-based security, no alliances	Collective military defense	Military pacts, economic coercion
Economic System	Independent trade, no forced sanctions	U.S.-led financial order, dollar-based	China-led economic system, digital yuan
Military Policy	No foreign bases, focus on cyber-defense & drones	Military intervention & NATO bases	Expansionist, territorial control
Global Diplomacy Role	Neutral mediators in conflicts	Military-driven foreign policy	State-controlled diplomacy

- By 2060, the GNA emerges as a global power balancing NATO and China's sphere of influence.

3. 2061–2070: The World Shifts Toward a Tripolar Security Order

A Balance of Power Between Three Global Forces

- The GNA Expands to 25+ Members

- More nations—including Mexico, the Philippines, and Thailand—adopt neutrality as a security strategy, rejecting NATO and Chinese control.

- GNA Strengthens Energy & Trade Independence

- The GNA invests in renewable energy, quantum computing, and decentralized finance, reducing dependence on Western banks or Chinese digital currency.

- Geopolitical Tensions Between the Three Blocs

- NATO warns GNA members not to cooperate with China, increasing economic tensions.
- China tries to sabotage GNA cyber-defense networks, viewing neutrality as a threat to its global ambitions.

- GNA Successfully Mediates a Global Crisis

- In 2067, the GNA successfully mediates a peace agreement between NATO and China after a major trade war threatens global stability.
- Geneva, Switzerland, becomes the world's primary diplomatic hub, replacing the UN Security Council as the most trusted neutral body.

Final Verdict: A Neutrality-Based Global Order Is Possible

Factor	World Before 2030	World By 2070 (GNA Scenario)
Dominant Security Model	NATO & Chinese military expansion	GNA neutrality challenges military alliances
Diplomatic Mediation	Handled by NATO, U.S., or China	GNA becomes the world's preferred peace mediator
Military Conflicts	Frequent wars due to alliances	Fewer conflicts as neutrality grows
Economic Influence	Controlled by U.S./NATO or China	GNA establishes independent economic policies
Public Support for Neutrality	Limited to small nations	Becomes a major global movement

- By 2070, the Global Neutrality Alliance is a world power equal to NATO and China, offering an alternative to military-based security.

9-6 Future Test of Neutrality Alliance

By 2070, the Global Neutrality Alliance (GNA) has emerged as a powerful bloc that challenges NATO and China's military dominance. However, a major global crisis tests whether neutrality can truly survive in a militarized world.

1. The Global Neutrality Alliance (GNA) Charter

The GNA Charter, signed in 2050 in Geneva, Switzerland, establishes the guiding principles of the alliance.

Core Principles of the GNA

- Permanent Neutrality – GNA members commit to never joining military alliances or participating in wars.
- Self-Defense Only – Each country maintains a strong defensive military but cannot conduct offensive military operations abroad.
- Cyber & Space Security – Members prioritize AI-based cyber defense and space security, preventing foreign hacking or satellite control.
- Diplomatic Conflict Resolution – GNA acts as the world's primary mediator in global disputes, replacing traditional war-based security.

- Economic Independence – Members create a neutral global trade system, free from U.S./NATO or China-controlled sanctions.
- Ban on Foreign Military Bases – No GNA member can host foreign military troops or nuclear weapons.

GNA Organizational Structure (2050 Charter)

GNA Body	Function
Neutrality Council	Governing body ensuring members adhere to neutrality policies.
Global Mediation Office	Official diplomatic wing that negotiates peace between rival nations.
Cyber Defense Network (CDN)	AI-driven security infrastructure that protects members from cyberwarfare.
Economic Independence Board	Manages independent financial systems, free from military alliances.
Defense Self-Sufficiency Agency	Oversees non-aggressive military technology for self-defense.

The GNA Charter allows nations to remain neutral while still being part of a strong security system.

2. Future Military Crisis That Tests Neutrality (2085)

Despite the GNA's rise, a geopolitical crisis erupts, threatening the survival of neutrality.

Crisis: The Arctic Resource War (2085)

- Trigger:

- Climate change reveals massive untapped resources under the Arctic ice, leading to a race between NATO and China to claim territory.
- Russia, China, and the U.S. militarize the Arctic, leading to direct confrontations over oil, gas, and rare minerals.
- GNA members Finland, Sweden, and Canada have Arctic territories, but their neutrality prevents them from taking military action.

- NATO and China Pressure Neutral Countries

- NATO demands GNA members support Western Arctic claims.
- China warns neutral states against blocking access to Arctic resources.

- GNA Response: Neutrality Under Pressure

- Switzerland, Singapore, and India lead emergency peace talks, proposing a demilitarized Arctic Zone controlled by the Global Neutrality Alliance (GNA).
- The Cyber Defense Network (CDN) prevents hacking attacks against neutral Arctic countries.
- GNA deploys non-military space drones to monitor Arctic activity without engaging in warfare.

- Resolution:

- The Arctic Peace Accords (2087) are signed in Geneva, limiting military activities in the Arctic.
- The GNA officially mediates the deal, proving neutrality can work even in a resource-driven world.
- NATO and China recognize the GNA as a diplomatic equal, reducing pressure on neutral nations.

- **Outcome:** The GNA survives its biggest test, solidifying neutrality as a permanent force in global politics.

Final Verdict: The Future of Global Neutrality

Scenario	Outcome
GNA fails under military pressure	The world returns to a NATO-China military rivalry.
GNA survives but weakens	Neutrality becomes less viable, but some nations maintain it.
GNA successfully mediates global conflicts	Neutrality proves to be as powerful as military alliances.

- By 2100, neutrality has evolved into a permanent security model, offering an alternative to war-driven geopolitics.

9-7 Military Alliances Replaced by Neutrality

Future Scenario: A Fully Neutral World Replaces Military Alliances (2100–2200)

By the 22nd century, the world has transitioned away from military alliances and embraced a fully neutral global security system. Instead of relying on NATO, China-led pacts, or traditional military blocs, nations adopt self-defense, cyber security, and AI-driven diplomacy as their primary means of security.

1. 2100–2150: The Collapse of Military Alliances

Triggers for Global Demilitarization

- Economic Burden of Military Spending Becomes Unsustainable

- By the early 2100s, military spending drains global economies, forcing nations to rethink their approach to security.
- The cost of maintaining high-tech war fleets, nuclear weapons, and AI-driven defense systems outpaces economic growth, leading to public pressure for disarmament.

- The Arctic Resource War (2085–2090) Proves That Diplomacy Works

- After the Global Neutrality Alliance (GNA) successfully mediates the Arctic crisis, more countries question the necessity of military alliances.
- The GNA's cyber-defense and space security systems offer a more effective security model than traditional military power.

- The Last Great War (2095–2100) Forces the World to Change

- A final major global war between military blocs (NATO vs. China-led forces) leads to mass destruction.
- The UN, GNA, and neutral states step in to broker peace, proving that neutrality is more effective than war-based alliances.

- By 2100, military alliances start dissolving, replaced by AI-driven security systems and diplomatic networks.

2. 2150–2200: The World Fully Transitions to Neutrality

The Final Steps to a Fully Neutral World

- All Countries Adopt Permanent Neutrality Treaties

- Switzerland, Austria, and Singapore lead the way in forming a global neutrality treaty, similar to the Geneva Conventions.
- Even former military powers like the U.S., China, and Russia agree to disarm gradually, reducing standing armies.
- Countries shift to regional self-defense systems rather than global military alliances.

- The End of Standing Armies

- Military budgets are redirected toward cyber-defense, AI security, and global disaster response teams.
- Nations develop fully automated defense shields, making large-scale wars obsolete.
- The last nuclear weapons are dismantled by 2175, ending the era of nuclear deterrence.

- A Global AI-Powered Neutrality Network Maintains Security

- Instead of relying on armies, countries use AI-driven threat monitoring and autonomous security drones to prevent conflicts.

- The Neutrality AI System (NAS) is developed—a superintelligence designed to mediate global disputes before they escalate into war.

- A Universal Economic System Eliminates Trade-Based Conflicts

- The Neutral Trade Alliance (NTA) replaces economic sanctions with automated trade adjustments, preventing conflicts over resources.
- Countries no longer weaponize economies, making resource wars unnecessary.

- By 2200, global security is no longer based on military alliances. Neutrality is the standard for all nations.

3. The Final World Order: A Fully Neutral Earth (2200 and Beyond)

How the World Looks in 2200:

Aspect	Old Military World (Before 2100)	Fully Neutral World (2200+)
Security	Military alliances (NATO, China-led pacts)	AI-driven neutrality & cyber defense
Military	Standing armies, nuclear weapons	No standing armies, automated defense systems
Wars	Frequent conflicts over resources & politics	No global wars, conflicts solved by AI mediation
Economic Power	Controlled by superpowers (U.S., China)	Decentralized global trade, no economic coercion
Diplomatic System	War-based negotiations	Global Neutrality Alliance (GNA) manages peace

Humanity has finally transcended war. The world is permanently neutral, secured by AI-driven peace systems.

Final Conclusion: The Neutral Future is Possible

- By 2200, neutrality has become the dominant global system, proving that diplomacy and AI security can replace military alliances.
- War is no longer a global threat, as conflicts are resolved before they escalate.
- A decentralized world order ensures that no single superpower controls the planet, making neutrality the foundation of long-term stability.

9-8 Defense as Achilles Heel of Neutrality

The defense challenges of neutral states, particularly smaller ones, have been a recurring theme in history. Their security is often threatened due to their limited military capabilities and reliance on international law, which belligerents may disregard. This brings up two key considerations:

1. Cooperation Among Neutral States
A collective security arrangement among neutral states could enhance their defense capabilities without compromising neutrality. This could take the form of intelligence sharing, joint military exercises, and mutual defense pacts. However, deeper military cooperation risks blurring the line between neutrality and alignment, potentially undermining their status. Historical examples, such as the Swiss policy of armed neutrality and Sweden's Cold War strategy of self-sufficiency, show that cooperation must be balanced with maintaining independent defense capabilities.

2. Developing a Nuclear Deterrent
Acquiring nuclear weapons as a deterrent is a more complex issue. While a nuclear arsenal could provide a formidable defense against aggression, it would contradict many international non-proliferation agreements (e.g., the NPT) and likely provoke security dilemmas with neighboring powers. Moreover, unless a neutral state possesses the economic and technological capability to develop and maintain a credible nuclear force, it risks making itself a target rather than a deterrent.

Feasibility and Advisability

- **Feasibility:** Cooperation among neutrals is possible and has historical precedents (e.g., Nordic defense cooperation), but a joint nuclear program would face political, economic, and technological hurdles.
- **Advisability:** Enhancing conventional military capabilities, fortifying cyber defense, and deepening strategic cooperation among neutrals might be more pragmatic than pursuing nuclear deterrence, which could erode neutrality and escalate tensions.

9-81 Reassessing the Security Approach

Given the rapidly evolving geopolitical landscape, where hybrid warfare, cyber threats, and economic coercion have become key tools of statecraft, neutral states face new and

pressing security challenges. The traditional model of neutrality—relying on international law and diplomacy—has become increasingly difficult to sustain without robust defense capabilities.

Reassessing the Security Approach of Neutral States

1. **Strategic Cooperation Among Neutrals**
    - **A "Neutrality Alliance"**: A formalized military and security cooperation framework among neutral states could enhance deterrence without requiring alignment with larger power blocs (e.g., NATO or CSTO). Such an initiative could involve joint procurement, coordinated defense postures, and collective cyber defense.
    - **Pooling Resources**: Smaller states often lack the economic or industrial base for advanced military systems. A joint defense industry initiative could ensure self-reliance while avoiding over-dependence on major powers.
2. **Asymmetric and Hybrid Defense Strategies**
    - **Resilience and Total Defense**: Following the Swiss and Finnish models, neutral states should develop a mix of conventional forces and asymmetric capabilities such as well-trained reserve forces, underground infrastructure, and digital resilience.
    - **Cyber and Information Warfare**: Given the increasing reliance on technology, cyber defenses and counter-disinformation strategies are crucial for maintaining sovereignty without provoking adversaries.
3. **Revisiting the Nuclear Deterrence Question**
    - **A National or Shared Nuclear Capability?** While highly controversial, a nuclear capability—whether national or jointly developed—would significantly alter the security calculus. However:
        - Technologically and financially, this is a major challenge.
        - The diplomatic repercussions would be immense, likely leading to sanctions or pressure from nuclear powers.
        - A latent nuclear capability (civilian nuclear infrastructure capable of rapid weaponization) might provide some strategic leverage without outright proliferation.
4. **Leveraging Emerging Technologies**
    - **Advanced Missile Defense**: Given the proliferation of hypersonic and precision-strike weapons, a robust air and missile defense system is vital.

- **AI and Autonomous Systems**: Small states could counterbalance manpower shortages with AI-driven defense systems, drones, and automated surveillance networks.

Conclusion: A New Model of "Active Neutrality"

In an era where neutrality alone does not guarantee security, a proactive approach is necessary. Strengthening military capabilities, fostering strategic cooperation, and utilizing emerging technologies can help neutral states maintain sovereignty without becoming vassals of larger powers.

9-82 A Credible Deterrent

A small neutral state's best defense is not just its declared neutrality, but its ability to make any potential aggression too costly for an adversary. History has shown that neutrality without credible deterrence invites violation rather than respect.

The Necessity of a Credible Deterrent for Neutral States

1. **A Realistic Security Doctrine for Neutrals**
   - Neutral states must adopt a "porcupine strategy", where they are difficult to conquer and costly to attack.
   - Instead of relying solely on diplomatic assurances, their security doctrine should integrate conventional deterrence, asymmetric warfare capabilities, and strategic alliances among other neutrals.
2. **Reinforcing Conventional Military Strength**
   - Modernized Armed Forces: Investing in mobile, high-tech defense systems (e.g., missile defense, drones, cyber capabilities) makes a small state harder to defeat.
   - Total Defense Model: Switzerland and Finland have shown that a highly trained, well-equipped civilian population can be an effective deterrent.
   - Precision Strike Capabilities: Having long-range precision-guided systems allows a neutral state to threaten counterstrikes on any potential aggressor's critical infrastructure.
3. **Strategic Alliances Among Neutrals**
   - A neutrality alliance—a coalition of neutral states pooling resources and intelligence—would allow them to collectively deter threats while maintaining independence from military blocs.
   - Joint military drills, cybersecurity cooperation, and coordinated arms procurement can enhance collective resilience.

4. **Nuclear Ambiguity: The Ultimate Deterrent?**
    - While outright nuclear proliferation would provoke global opposition, a latent nuclear capability (civilian nuclear programs that could be weaponized if necessary) provides strategic uncertainty.
    - Developing a missile defense and second-strike capability (e.g., submarine-launched deterrents or mobile missile platforms) could prevent coercion from larger powers.
5. **A Digital and Economic Fortress**
    - Neutral states must fortify cyber defenses to prevent sabotage, economic blackmail, and digital warfare.
    - Strategic stockpiles of critical resources (energy, food, rare minerals) ensure that economic pressure cannot be used as a weapon against them.

Conclusion: The Future of Neutrality is "Fortified Neutrality"

Neutrality cannot be passive—it must be defended through strength. A believable, multi-layered deterrent is the only way small neutral states can avoid becoming victims of great power struggles. Those who fail to recognize this reality risk suffering the fate of past neutrals who were overrun when their neutrality was no longer convenient for stronger states.

9-83 A Dual Approach

That is the most pragmatic and necessary course of action. A dual approach—individual fortified neutrality combined with a neutrality alliance—offers the best chance of survival for small neutral states in an era where great power rivalries are intensifying.

1. Fortified Neutrality: Ensuring National Resilience

Each neutral state must independently ensure it is resilient against potential aggression or coercion. This requires a multi-faceted approach:

A. Military Deterrence

- Highly Mobile, Technologically Advanced Forces: Modern neutral states must prioritize mobility, stealth, and precision weaponry rather than sheer numbers.
- Air and Missile Defense Systems: Given the rise of missile warfare, a layered missile defense system (anti-ballistic, short-range, and cyber protection) is essential.

- Armed Civilian Resistance (Total Defense Model): Switzerland and Finland provide excellent examples of how a highly trained reserve force and civilian defense infrastructure can turn a neutral state into an unbreakable fortress.

B. Strategic Ambiguity & Latent Nuclear Capability

- While full nuclear armament may be politically and diplomatically difficult, having a latent capability—civilian nuclear infrastructure that can be weaponized if necessary—adds strategic uncertainty.
- Advanced missile systems (including long-range precision strike options) ensure a neutral state retains the ability to inflict disproportionate costs on an aggressor.

C. Cyber and Economic Defense

- Cyber Resilience: In the modern age, cyber warfare can cripple a country faster than traditional attacks. Neutral states must harden critical infrastructure, financial systems, and energy grids.
- Energy & Resource Independence: Stockpiling critical resources (fuel, rare minerals, food) ensures resilience against economic warfare.
- Financial and Digital Warfare Countermeasures: A robust financial sector that can withstand sanctions and pressure (e.g., Switzerland's financial independence model) is vital.

2. The Neutrality Alliance: Strength in Unity

Since no small state can stand alone indefinitely, neutral states must form a strategic coalition to ensure their independence collectively.

A. Mutual Defense Pacts Among Neutrals

- While traditional military alliances like NATO are off the table, a defensive-only neutrality alliance could provide collective security guarantees without violating neutrality principles.
- This could involve intelligence sharing, joint cyber defense initiatives, mutual logistics support, and coordinated defense strategies.
- Examples:
    - Nordic Defense Cooperation (NORDEFCO) is an existing framework that could be expanded.
    - A Swiss-Finnish-Austrian-Irish-Swedish Partnership could be the nucleus of a larger neutral bloc.

B. Collective Arms Procurement & Defense Industry Development

- Small states often struggle to maintain indigenous arms industries. A neutrality alliance could pool resources for R&D, procurement, and domestic military production, reducing dependency on major powers.
- A joint arms initiative could focus on drones, missile defense, and asymmetric warfare technologies.

C. Coordinated Foreign Policy & Diplomatic Leverage

- A unified bloc of neutral states can act as a diplomatic force multiplier in international forums, making it harder for great powers to isolate or pressure individual neutral states.
- Coordinated responses to violations of neutrality (e.g., economic retaliation or diplomatic pushback) increase the costs of aggression.

3. The Future: "Active Neutrality" as the New Standard

Neutrality in the 21st century must be an active stance, not a passive expectation of being left alone. By fortifying themselves individually and strengthening ties collectively, neutral states can ensure their continued sovereignty, security, and strategic relevance.

Chapter 10

Legal Basis of Neutrality

10-1 Necessity for a New Legal Framework

The concept of neutrality has evolved significantly due to modern conflicts, global interdependence, and new warfare dynamics. The existing legal frameworks, such as the Hague Conventions (1907) and the Geneva Conventions, primarily define neutrality in state-vs-state conflicts. However, modern warfare, involving non-state actors, cyber conflicts, hybrid warfare, and economic pressures, has challenged traditional neutrality, making a new legal framework necessary.

Key Reasons Why a New Legal Framework for Neutrality is Needed

1. Modern Warfare No Longer Follows Traditional State vs. State Conflicts

Problem:

- Asymmetrical warfare (e.g., terrorism, guerrilla conflicts) involves non-state actors (ISIS, Al-Qaeda, militias) that are not covered by traditional neutrality laws.
- Hybrid warfare (e.g., cyberattacks, misinformation) blurs the line between war and peace, making traditional neutrality difficult to maintain.
- Proxy wars and regional conflicts (e.g., Syria, Yemen, Ukraine) involve multiple external actors without clear alliances.

Solution:

- A new legal framework should recognize non-state actors, hybrid warfare, and cyber conflicts to define how neutral states engage or disengage in such conflicts.
- Digital and cyber neutrality must be explicitly regulated under international law.

2. The Rise of Cyber Warfare & Information Conflicts

Problem:

- Neutrality laws do not account for cyber warfare (e.g., hacking, misinformation campaigns).
- Countries can be drawn into conflicts without physical invasion, making traditional neutrality obsolete in cyberspace.
- Example: During the Russia-Ukraine war, cyberattacks targeted neutral nations, raising legal dilemmas about neutrality in cyberspace.

Solution:

- A Cyber Neutrality Convention should regulate neutrality in digital space, preventing countries from being forced into cyber conflicts.

- International agreements should ensure that neutral nations can refuse cooperation in cyber warfare without being seen as favoring one side.

3. Economic & Financial Pressures Challenge Neutrality

Problem:

- Sanctions and economic blockades force neutral nations to pick sides, undermining traditional neutrality.
- Global trade networks make full neutrality difficult, as countries are pressured into economic retaliation or support.
- Example: Swiss neutrality has been questioned due to sanctions against Russia, showing that financial and economic pressures can override traditional neutrality.

Solution:

- A new legal framework must clearly define whether neutral states can impose sanctions while maintaining neutrality.
- Economic neutrality agreements should regulate financial interactions with warring nations without compromising impartiality.

4. Neutrality in Peacekeeping & Humanitarian Assistance

Problem:

- Neutrality laws do not clarify whether neutral countries can participate in UN peacekeeping missions without breaking neutrality.
- Humanitarian aid is weaponized—some warring factions see neutral aid as "taking sides."
- Example: Switzerland and Austria send non-combat peacekeepers, but their neutrality is debated.

Solution:

- A new framework should define the role of neutral nations in peacekeeping (e.g., whether they can send troops in non-combat roles).
- New legal protections should ensure that humanitarian neutrality is respected and not mistaken for political bias.

5. Nuclear & Military Alliances Complicate Neutrality

Problem:

- Traditional neutrality laws assume that neutral countries must avoid military alliances.
- However, modern security threats (e.g., nuclear deterrence, hybrid threats) force neutral nations to rethink their defense policies.

- Example: Finland and Sweden were historically neutral but joined NATO in 2023, signaling that traditional neutrality may no longer be viable.

Solution:

- A new framework should clarify whether neutral states can engage in "defensive alliances" without breaking neutrality.
- Neutral countries should have the right to self-defense without compromising their status.

6. Climate Change, Resource Conflicts & Neutrality

Problem:

- Environmental crises and water scarcity are causing conflicts (e.g., Ethiopia-Egypt Nile dispute).
- Climate change will create more global conflicts, and neutral nations may be pressured to intervene.
- Example: The Arctic region is seeing growing geopolitical tensions, affecting traditionally neutral nations like Sweden, Finland, and Canada.

Solution:

- A Climate Neutrality Agreement should define how neutral countries can engage in resource disputes without being forced into conflict.
- Environmental neutrality should be recognized in international law, ensuring neutral nations can mediate without taking sides.

7. Terrorism & Neutrality: Undefined Legal Protections

Problem:

- Traditional neutrality laws focus on state actors, but terrorism is a borderless threat.
- Terrorist groups do not follow international law, making it difficult for neutral states to avoid involvement.
- Example: Switzerland has faced criticism for allowing peace talks with militant groups, despite its neutrality.

Solution:

- A new framework should clarify whether neutrality applies when fighting terrorism.
- Neutral states should be allowed to engage in counter-terrorism efforts without breaking neutrality principles.

Key Features of a New Legal Framework for Neutrality

- Defines neutrality in hybrid & cyber warfare – Ensuring neutral nations can refuse participation in digital conflicts.
- Clarifies economic & financial neutrality – Allowing sanctions without breaking neutrality.
- Reforms neutrality in UN peacekeeping – Allowing neutral countries to support peace without military bias.
- Recognizes climate & resource neutrality – Preventing resource conflicts from undermining neutrality.
- Addresses neutrality in terrorism – Allowing counter-terrorism efforts without forcing neutrality violations.

Conclusion: The Future of Neutrality Needs Legal Evolution

- Modern conflicts have outpaced traditional neutrality laws—cyberwarfare, economic pressures, and hybrid conflicts have created legal loopholes.
- A new neutrality framework should define how neutral nations interact with digital warfare, economic sanctions, peacekeeping, and counterterrorism.
- Without legal reform, neutrality will become impossible to maintain, forcing states into unintended alliances.

A modern, flexible, and legally defined neutrality is crucial for peaceful conflict resolution, humanitarian aid, and diplomatic mediation in the 21st century.

10-2 Possible Forms

A new legal framework for neutrality can take multiple forms, depending on the scope, enforcement mechanisms, and participating entities. Below are several possible structures for how modern neutrality could be legally defined and enforced.

1. A New International Convention on Neutrality (Multilateral Treaty)
Concept:

- A legally binding global treaty similar to the Geneva Conventions that clearly defines neutrality in modern conflicts.
- Would establish rules on neutrality in cyberwarfare, economic sanctions, peacekeeping, and hybrid conflicts.

Key Features:

- Universal application – Signed and ratified by UN member states.
- Binding under international law – Violations would have legal consequences.
- Updated neutrality definitions – Covers cyberwarfare, counterterrorism, and hybrid conflicts.
- Neutrality verification body – A neutral agency (like the ICRC) would monitor compliance.

Example Model:

"The International Convention on Neutrality and Conflict Resolution (ICNCR)"

- Defines neutrality in traditional warfare, cyber conflicts, and economic sanctions.
- Establishes an international body to certify neutral nations.
- Creates legal protections for humanitarian and digital neutrality.

Challenges:

- Requires global consensus, which may be difficult given geopolitical divisions.
- Enforcement mechanisms would need strong UN backing.

2. A UN Security Council Resolution on Modern Neutrality

Concept:

- A UN-mandated resolution that updates the legal status of neutrality under international law.
- Could be a soft law instrument that guides state behavior without full treaty status.

Key Features:

- Faster adoption than a full treaty – Can be implemented through UN General Assembly approval.
- Defines neutrality in cyber, economic, and hybrid conflicts.
- Outlines rights & obligations of neutral nations during global crises.

Example Model:

"UN Security Council Resolution on Neutrality in the 21st Century"

- Defines neutrality under new warfare conditions (e.g., cyberattacks, terrorism).
- Establishes UN-backed verification for neutral states.
- Creates guidelines on how neutral states can engage in peacekeeping without losing their neutrality.

Challenges:

- Not legally binding unless incorporated into state law.

- Veto power by major nations (U.S., China, Russia) could block adoption.

3. A Regional Neutrality Pact

Concept:

- A regional treaty where countries in a specific area agree on common neutrality rules.
- Modeled after Austria's Neutrality Act and Costa Rica's demilitarization policy.

Key Features:

- Adapts neutrality to regional security needs (e.g., Arctic neutrality, Latin American peace agreements).
- Provides flexibility for economic and military cooperation without violating neutrality.
- Stronger enforcement among member states.

Example Model:

"The European Pact on Armed Neutrality (EPAN)"

- Defines neutrality for European non-NATO states (e.g., Austria, Ireland, Switzerland).
- Allows for defensive cooperation without military alliances.
- Establishes economic neutrality rules to handle trade sanctions fairly.

"The Latin American Peace and Neutrality Accord (LAPNA)"

- Strengthens non-intervention principles in Latin America.
- Prevents external military alliances while allowing peacekeeping roles.
- Ensures climate neutrality policies are included.

Challenges:

- Regional agreements may not be globally recognized.
- Some states may prefer national neutrality laws over regional commitments.

4. National Neutrality Laws (Unilateral Approach)

Concept:

- A country enacts its own neutrality law to define how it remains neutral in modern conflicts.
- Builds on historical examples like Switzerland's Armed Neutrality Act (1907) and Austria's Neutrality Law (1955).

Key Features:

- State-specific approach – Customizable to national security and economic policies.
- Legally binding within the country – Neutral status is enforced by domestic law.

- Allows defensive capabilities without joining military alliances.

Example Model:

"The Swiss Federal Neutrality Act (Revised 2025)"

- Clearly defines neutrality in cyberwarfare & hybrid conflicts.
- Allows defensive military alliances that do not require offensive commitments.
- Prohibits economic favoritism in sanctions or trade policies.

"Ireland's Digital & Economic Neutrality Act"

- Defines cyber neutrality protections for Ireland.
- Ensures non-alignment in economic conflicts while maintaining trade independence.

Challenges:

- Only applies nationally, with no international enforcement.
- Risk of being challenged internationally if neutrality policies conflict with global alliances.

5. A Digital & Cyber Neutrality Agreement (For Cyberspace)

Concept:

- A specialized cyber neutrality treaty ensuring that nations remain neutral in digital conflicts.
- Would regulate hacking, misinformation, and cyberwarfare.

Key Features:

- First-ever cyber neutrality law to prevent digital-based conflict escalation.
- Defines what neutral countries can and cannot do in cyberwarfare.
- Applies to tech companies and AI governance to ensure neutrality in digital platforms.

Example Model:

"The Global Cyber Neutrality Pact (GCNP)"

- Prohibits neutral states from participating in cyberattacks on foreign governments.
- Ensures neutrality in AI warfare and misinformation campaigns.
- Establishes global protections for neutral data centers & cloud infrastructure.

Challenges:

- Difficult to enforce globally, as cyberwarfare is highly decentralized.
- Big tech companies would need to comply, requiring major legal oversight.

6. A Hybrid Approach: UN Framework + Regional & National Laws

Concept:

- A combination of global, regional, and national neutrality frameworks to ensure comprehensive legal coverage.
- Would involve a UN neutrality framework, regional agreements, and national laws for enforcement.

Key Features:

- Combines strengths of multiple legal frameworks.
- Allows flexibility for different nations while ensuring global consistency.
- Creates a layered enforcement system where neutrality is protected at international, regional, and national levels.

Example Model:

"The UN Modern Neutrality Charter + Regional Neutrality Pacts + National Neutrality Laws"

- The UN charter defines general principles of neutrality.
- Regional pacts adapt neutrality for geopolitical needs.
- National laws enforce neutrality domestically.

Challenges:

- Complex to coordinate across different legal systems.
- Requires multi-level enforcement mechanisms.

Conclusion: Which Model is Best?

The best model depends on the goals of neutrality in the modern era. Here's a quick guide:

- If neutrality needs to be globally recognized → A UN Convention or Security Council Resolution.
- If neutrality should be flexible & regional → A Regional Neutrality Pact.
- If neutrality should be enforced by individual countries → National Neutrality Laws.
- If cyber conflicts are the main challenge → A Cyber Neutrality Agreement.
- If neutrality must be multilayered → A Hybrid Approach (Global + Regional + National).

The future of neutrality requires a legal framework that adapts to modern warfare, cyber threats, and economic globalization.

10-3 Charter of Neutrality

10-31 Feasibility

It is feasible to create a Charter of Neutrality, but its feasibility and effectiveness depend on several factors, including its purpose, scope, enforceability, and the entities that will adhere to it. Here's how it could be approached:

1. Defining the Purpose

A Charter of Neutrality could serve various purposes, such as:

- Ensuring impartiality in journalism, governance, or business.
- Establishing neutrality in conflict resolution, international relations, or diplomacy.
- Defining ethical guidelines for AI and technology companies in decision-making.
- Setting standards for organizations that wish to avoid bias in policy and operations.

2. Scope and Coverage

The charter should specify:

- Who it applies to (nations, organizations, companies, individuals).
- What neutrality means in the given context (e.g., political, military, ideological, technological).
- How neutrality will be maintained (guidelines, best practices, accountability).

3. Key Principles

A well-structured charter should outline:

- Impartiality: No favoritism toward any party, ideology, or side.
- Transparency: Clear mechanisms for decision-making and disclosure.
- Accountability: Regular audits and evaluations to ensure compliance.
- Non-Interference: Commitment to avoiding actions that could be perceived as partial or biased.
- Ethical Governance: A framework for fair decision-making.

4. Enforceability and Compliance

- Voluntary vs. Legally Binding: Should it be an agreement that entities voluntarily follow, or should it have legal consequences?
- Monitoring & Reporting: A system to track adherence to neutrality principles.
- Dispute Resolution: Mechanisms to address accusations of bias or violations.

5. Precedents and Examples

Similar frameworks exist in various contexts:

- The Geneva Conventions (neutrality in wartime).
- The Neutrality Acts (U.S.) (preventing involvement in foreign conflicts).
- Journalistic Codes of Ethics (neutral reporting standards).
- Switzerland's Neutrality Policy (a longstanding national policy).

6. Implementation Challenges

- Subjectivity of Neutrality: What is "neutral" to one party may not be to another.
- Political & Economic Pressures: Entities may face pressure to take sides.
- Monitoring & Enforcement Difficulties: Ensuring compliance across diverse organizations or nations.

10-32 Initiative

The best initiator of a Charter of Neutrality depends on the area of focus, global influence, credibility, and the ability to enforce or promote adherence. Below are the most suitable initiators for different contexts:

1. For Global Political & Diplomatic Neutrality

- Best Initiator: United Nations (UN)
- Why? The UN has international legitimacy, the ability to convene nations, and mechanisms for global treaties and agreements.
- Supporting Entities:
    - Neutral Nations (Switzerland, Austria, Ireland, etc.) – Could propose the charter based on their own neutrality models.
    - Non-Aligned Movement (NAM) – Represents nations that seek neutrality in global conflicts.

2. For Media & Journalism Neutrality

- Best Initiator: International Federation of Journalists (IFJ)
- Why? It already advocates for press ethics, media independence, and freedom.
- Supporting Entities:
    - Reporters Without Borders (RSF) – Could co-develop and monitor adherence.
    - Major News Networks (e.g., Reuters, AP, BBC, Al Jazeera, etc.) – Could voluntarily adopt neutrality guidelines.

3. For Corporate & Business Neutrality

- Best Initiator: World Economic Forum (WEF)
- Why? It brings together global corporate leaders and policymakers to establish ethical business standards.
- Supporting Entities:
    - OECD (Organization for Economic Co-operation and Development) – Could help standardize corporate neutrality policies.
    - Multinational Companies – Companies that want to avoid political entanglements could champion neutrality.

4. For Artificial Intelligence & Technology Neutrality

- Best Initiator: Partnership on AI (PAI)
- Why? PAI already sets ethical AI standards and involves major tech firms.
- Supporting Entities:
    - IEEE Standards Association – Could create technical standards for AI neutrality.
    - Big Tech (Google, Microsoft, OpenAI, etc.) – Would need to commit to unbiased AI development.

5. For Humanitarian & Conflict Neutrality

- Best Initiator: International Committee of the Red Cross (ICRC)
- Why? It is widely respected for its neutrality in conflicts and humanitarian aid.
- Supporting Entities:
    - Amnesty International, Human Rights Watch – Could ensure neutrality in human rights advocacy.
    - Religious and Interfaith Organizations – Could promote neutrality in humanitarian efforts.

Who Should Take the Lead?

If a global neutrality standard is the goal, the United Nations is the best initiator.
If the focus is on specific sectors (media, business, AI, humanitarian efforts), the respective industry leaders should lead.

10-33 Steps

The creation of a Charter of Neutrality requires a structured, multi-phase process, involving various stakeholders depending on the scope (international, corporate, technological, etc.). Below is a step-by-step roadmap from initiation to adoption and enforcement:

1. Initiation Phase (Defining the Need & Stakeholders)

Actors Involved:

- **Lead Initiator:** United Nations (for international neutrality) / Industry Bodies (for sectoral neutrality)
- **Key Stakeholders:** Governments, corporations, media organizations, humanitarian groups, or AI developers
- **Supporting Organizations:** Think tanks, universities, and legal experts

Steps:

1. **Define the Purpose & Scope:**
    - What does "neutrality" mean in this context? (political, military, corporate, media, AI, etc.)
    - Who does it apply to? (Nations, companies, journalists, AI systems)
    - What issues does it aim to prevent or regulate?
2. **Form an Initiating Committee:**
    - A group of key stakeholders (governments, media bodies, tech firms, or human rights groups).
    - Define leadership roles for legal, ethical, and governance experts.
3. **Conduct Initial Research & Benchmarking:**
    - Examine historical neutrality charters (e.g., Swiss Neutrality, Geneva Conventions, journalistic ethics codes).
    - Identify challenges in previous neutrality agreements.
4. **Secure Initial Funding & Resources:**
    - Fundraising through governments, international bodies (e.g., UN, EU, WEF), private companies, and NGOs.

2. Drafting Phase (Creating the Charter)

Actors Involved:

- **Lead Writers:** Legal experts, policymakers, ethics scholars
- **Consultants:** International legal bodies (e.g., International Court of Justice, human rights organizations)

- **Technical Experts:** If AI neutrality is included, AI ethicists and tech industry representatives

Steps:

1. **Create a Draft Charter with Key Principles:**
    - Define neutrality principles (e.g., non-interference, impartiality, transparency, accountability).
    - Include ethical, legal, and operational guidelines.
2. **Review Legal Implications & Compliance:**
    - Ensure alignment with international law (UN charters, WTO rules, etc.).
    - Consult with regulatory bodies to assess enforceability.
3. **Seek Feedback from Stakeholders:**
    - Engage governments, companies, media houses, and civil society.
    - Conduct public consultations to address concerns.
4. **Revise and Finalize the Draft Based on Feedback.**

3. Adoption & Endorsement Phase

Actors Involved:

- **Lead Promoter:** United Nations / Industry Association / Global Consortium
- **Signatories:** Nations, corporations, media organizations, tech companies
- **Public & NGOs:** Advocacy groups and journalists to promote public trust

Steps:

1. **Secure Official Endorsements:**
    - Governments sign the charter in an international summit (e.g., UN General Assembly, WEF).
    - Corporate and industry adoption through business coalitions.
2. **Create an Independent Monitoring Body:**
    - Establish a Neutrality Oversight Committee with global representation.
    - Define mechanisms for reporting neutrality violations.
3. **Public Declaration & Awareness Campaigns:**
    - Media coverage, conferences, and reports to ensure global recognition.
    - Encourage voluntary adoption beyond signatories.

4. Implementation & Enforcement Phase

Actors Involved:

- **Compliance & Monitoring Body:** UN or independent international watchdog
- **Legal Framework & Arbitration Bodies:** ICJ, WTO (for trade neutrality), AI ethics boards

- **Auditors & Civil Society:** Whistleblower protection, media watchdogs

Steps:

1. **Develop Accountability Mechanisms:**
    - Transparency reporting requirements for governments, businesses, and AI developers.
    - Whistleblower protection for neutrality violations.
2. **Regular Assessments & Reviews:**
    - Publish annual reports on neutrality compliance.
    - Adjust the charter over time to address new challenges.
3. **Introduce Incentives & Penalties:**
    - Provide recognition and certification for compliant entities.
    - Impose sanctions or public warnings for violators (e.g., loss of international credibility, trade restrictions).

5. Long-term Evolution & Amendments

Actors Involved:

- **Neutrality Committee:** Governing body overseeing updates and adjustments
- **Stakeholder Advisory Panels:** Governments, corporations, journalists, AI ethicists, humanitarian groups

Steps:

1. **Reevaluate the Charter Periodically:**
    - Conduct periodic summits (every 5 years) to refine neutrality principles.
    - Introduce amendments based on geopolitical shifts, tech advancements, or media trends.
2. **Expand Global Adoption:**
    - Encourage more nations, businesses, and industries to sign on.
    - Work with regional organizations (EU, AU, ASEAN) to integrate neutrality principles into policies.

Final Thoughts: Who is Best Suited to Lead This?

- If the goal is international neutrality, the United Nations is best suited to lead.
- If it concerns corporate or AI neutrality, a coalition of businesses and regulatory bodies (e.g., WEF, IEEE, OECD) should take the initiative.
- If it's focused on media neutrality, journalism associations should lead the process.

Chapter 11

Consequences of Neutrality

11-1 Regulation Under a Charter of Neutrality

INTERNATIONAL CHARTER OF NEUTRALITY

PREAMBLE

Recognizing the evolving nature of armed conflict, economic coercion, cyber warfare, and hybrid threats, this International Charter of Neutrality ("the Charter") establishes a modern, legally binding framework for neutrality. It reaffirms the sovereign right of nations to declare and maintain neutrality while outlining clear definitions, obligations, and protections under international law.

CHAPTER I: GENERAL PRINCIPLES

Article 1: Definition of Neutrality

Neutrality is the legal status of a state that refrains from participation in armed conflicts, military alliances, cyber warfare, and economic coercion between belligerents while actively supporting peace, humanitarian aid, and conflict resolution.

Article 2: Sovereignty and Neutrality

A neutral state retains full sovereignty and independence, ensuring its neutrality is voluntarily declared, recognized by the international community, and adhered to in good faith.

Article 3: Recognition and Compliance

Neutrality may be permanent (enshrined in national law) or temporary (declared during specific conflicts). States must register their neutrality status with the United Nations (UN) to receive legal protections under this Charter.

CHAPTER II: RIGHTS AND OBLIGATIONS OF NEUTRAL STATES

Article 4: Non-Participation in Armed Conflict

A neutral state shall not:

1. Participate in military operations or provide direct military aid to belligerents.
2. Allow its territory to be used for military action or transit by any warring party.
3. Permit foreign military bases, training, or intelligence operations on its soil.

Article 5: Defensive Rights of Neutral States

1. Neutral states retain the right to self-defense under the UN Charter.

2. Defensive alliances strictly for territorial protection shall not constitute a breach of neutrality.
3. Development of defensive military capabilities is permitted, provided they are not aligned with offensive operations.

Article 6: Cyber Neutrality and Digital Warfare

1. Neutral states shall not engage in cyber-attacks, disinformation campaigns, or cyber espionage against belligerents.
2. Neutrality extends to digital infrastructure, preventing cyber forces from operating within neutral jurisdictions.
3. Neutral states may collaborate on cyber defense but cannot engage in offensive cyber activities.

Article 7: Economic and Trade Neutrality

1. Neutral states may engage in trade with belligerents, provided such transactions do not directly support military operations.
2. Economic sanctions must be applied equally to all warring parties to maintain neutrality.
3. Neutral financial institutions must prevent funds from being used to finance armed conflict.

CHAPTER III: HUMANITARIAN AID AND PEACEBUILDING

Article 8: Protection and Delivery of Humanitarian Aid

1. Neutral states shall facilitate humanitarian assistance to conflict-affected populations impartially.
2. Neutrality status shall not prevent medical aid, refugee protection, and food distribution under international humanitarian law.
3. The International Red Cross and other designated humanitarian organizations shall receive unrestricted access to neutral territories for relief efforts.

Article 9: Mediation and Conflict Resolution

1. Neutral states are encouraged to act as mediators in conflict resolution while maintaining strict impartiality.
2. The UN shall establish a Neutral Mediation Council composed of recognized neutral states to facilitate peace negotiations.
3. Neutral states may provide non-military support for UN peacekeeping operations in administrative, logistical, or humanitarian capacities.

CHAPTER IV: VIOLATIONS, ENFORCEMENT, AND DISPUTE RESOLUTION

Article 10: Violations of Neutrality

1. Any neutral state found violating this Charter shall be subject to UN review and possible revocation of neutral status.
2. A neutral state that becomes involved in armed conflict must notify the UN and may lose the protections granted under this Charter.

Article 11: Enforcement and International Oversight

1. The UN Neutrality Oversight Body (UN-NOB) shall monitor compliance with this Charter.
2. Neutral states shall submit periodic reports to the UN-NOB verifying their adherence to neutrality obligations.
3. The International Court of Justice (ICJ) shall have jurisdiction over disputes related to neutrality violations.

Article 12: Dispute Resolution

1. Disputes regarding neutrality status shall be settled through diplomatic mediation or arbitration under the UN-NOB.
2. States violating neutrality principles may face economic sanctions or loss of legal protection under this Charter.

CHAPTER V: FINAL PROVISIONS

Article 13: Accession and Ratification

1. This Charter shall be open for signature by all UN member states.
2. It shall enter into force upon ratification by at least 30 states.

Article 14: Amendments

1. Any amendments to this Charter must be approved by a two-thirds majority of signatory states.
2. Amendments shall be reviewed every ten years to ensure relevance to evolving global security dynamics.

Article 15: Withdrawal

1. Any state may withdraw from this Charter by providing written notice to the UN Secretary-General.
2. Withdrawal shall take effect one year after notice unless the state is engaged in an active conflict, in which case review by the UN-NOB is required.

CONCLUSION

This International Charter of Neutrality establishes a comprehensive framework for neutrality in the modern era. It upholds the sovereign right of states to remain neutral while ensuring their role in peacebuilding, conflict mediation, and humanitarian efforts. By adapting neutrality to the challenges of cyber warfare, economic coercion, and global security threats, this Charter provides a sustainable legal foundation for maintaining peace in the 21st century.

Chapter 12

Scope of Neutrality

12-1 Temporal (When)

12-11 Beginning

When Should a Future Concept of Neutrality Be Activated?

The activation of a future neutrality depends on the strategic, legal, and geopolitical conditions surrounding a country or region. A neutrality policy must be timely, credible, and effective, ensuring that it serves its intended purpose in protecting national security and sovereignty while maintaining international stability.

Key Moments for Activating Neutrality

A future neutrality should be activated under specific conditions to maximize its effectiveness. These can be categorized into different scenarios:

1. Preemptive Activation: Before a Conflict Arises

- **Best for:** Preventing war involvement, ensuring diplomatic credibility.
- **When to Activate:**
  - If global or regional tensions rise, and the risk of war increases.
  - If neutrality can deter aggressive actions from external powers.
  - If a country seeks to establish long-term neutrality as part of national policy.
- **Examples:**
  - **Switzerland (1939):** Declared neutrality before WWII started to avoid invasion.
  - **Austria (1955):** Declared neutrality after securing sovereignty from Allied occupation.

2. Immediate Activation: At the Onset of War or Conflict

- **Best for:** Avoiding immediate involvement in a war or military crisis.
- **When to Activate:**
  - If a war suddenly erupts, and neutrality can prevent being drawn in.
  - If neutrality can safeguard national security and territorial integrity.
- **Examples:**
  - **Belgium (1914 & 1940):** Declared neutrality at the start of WWI and WWII but was invaded.
  - **Ireland (1939):** Declared neutrality at the outbreak of WWII to avoid entanglement.

3. Reactive Activation: During an Ongoing Conflict

- **Best for:** Countries that were initially involved in war but want to shift to neutrality.
- **When to Activate:**
  - If military engagement is causing severe damage, and neutrality can lead to peace.
  - If international pressure demands a state to disengage from war.
- **Examples:**
  - **Finland (1944):** Switched to neutrality after breaking ties with Nazi Germany to avoid Soviet occupation.
  - **Cambodia (1990s):** Declared neutrality after years of conflict as part of a peace settlement.

4. Post-Conflict Activation: After a War or Crisis Ends

- **Best for:** Countries that seek to ensure long-term peace and non-alignment.
- **When to Activate:**
  - If a country was previously involved in war and seeks a neutral future.
  - If a peace agreement includes neutrality as a guarantee for stability.
- **Examples:**
  - **Austria (1955):** Declared neutrality after WWII as part of a treaty ensuring sovereignty.
  - **Vietnam (Post-1975, theoretical):** Could have chosen neutrality to balance Cold War pressures.

5. In Response to New Security or Legal Commitments

- **Best for:** Countries adapting to new international laws or treaties.
- **When to Activate:**
  - If international treaties require a neutral stance as a condition for sovereignty.
  - If a country withdraws from military alliances and shifts toward neutrality.
- **Examples:**
  - **Sweden & Finland (Pre-2022):** Maintained neutrality but abandoned it for NATO membership.
  - **Austria (1955):** Agreed to neutrality as a condition for Allied withdrawal.

Modern Considerations for Activating Neutrality

- Cyber and Hybrid Warfare

- In an era of cyberwarfare and economic sanctions, neutrality may need earlier activation to prevent being caught in digital or economic battles.

- Example: Switzerland adapted its neutrality policy to account for cyber threats and financial sanctions in modern conflicts.

- UN and Collective Security Frameworks

- If neutrality is incompatible with international peacekeeping obligations, a country may delay or modify its activation.
- Example: Ireland, despite neutrality, participates in UN and EU peacekeeping missions.

- Economic and Diplomatic Pressures

- If economic sanctions are a primary tool in modern conflicts, neutrality activation must consider trade and financial restrictions.
- Example: Switzerland imposed sanctions on Russia in 2022 but hesitated to send military aid to Ukraine to maintain a "soft neutrality."

Final Considerations: When Is the Best Time to Activate Neutrality?

A future neutrality should be activated strategically, depending on the following key factors:

- **Geopolitical Timing:** If war or tensions are rising, activate early (preemptive).
- **Legal Obligations:** If neutrality is tied to international treaties, activate as required.
- **Security Implications:** If neutrality protects national sovereignty, activate at the start of a crisis.
- **Economic Consequences:** If neutrality prevents harmful trade sanctions, adjust timing accordingly.

Conclusion:

For a future neutrality to be effective, it should be activated before tensions escalate, ensuring credibility and stability. However, if a conflict is already ongoing, neutrality can still be a peace strategy, provided it is accepted internationally.

12-12 Ending

When Is It Appropriate to Deactivate Neutrality in a Conflict?

Deactivating neutrality in a conflict is a critical decision that should be based on national security, legal obligations, and geopolitical considerations. A future concept of neutrality must be flexible enough to respond to evolving threats while maintaining credibility and strategic value.

Key Scenarios Where Deactivating Neutrality Is Appropriate

1. When National Security Is Directly Threatened

- **Best for:** States facing an immediate invasion, military aggression, or existential threat.
- **When to Deactivate:**
  - If neutrality no longer protects sovereignty and makes the country vulnerable.
  - If neutrality prevents access to necessary defense alliances.
- **Examples:**
  - **Belgium (WWII, 1940):** Declared neutrality but was invaded by Germany, proving neutrality was ineffective.
  - **Finland (2023):** Abandoned neutrality to join NATO due to the Russian threat.

2. When a Violation of Neutrality Occurs

- **Best for:** Countries whose neutrality has been disregarded by a warring party.
- **When to Deactivate:**
  - If a country's territory, airspace, or infrastructure is used without consent by a belligerent.
  - If neutrality is no longer recognized by the warring parties.
- **Examples:**
  - **Norway (1940):** Despite being neutral, it was invaded by Germany and forced to take sides.
  - **Switzerland (Hypothetical):** If its airspace or banking system were used to support a conflict, neutrality could be reconsidered.

3. When International Law or Alliances Demand Engagement

- **Best for:** Countries bound by international commitments that override neutrality.
- **When to Deactivate:**
  - If the UN or a defense treaty requires participation in conflict resolution or peace enforcement.
  - If remaining neutral conflicts with treaty obligations or security commitments.
- **Examples:**
  - **Sweden & Finland (2022-2023):** Neutrality was deactivated to comply with NATO membership obligations.
  - **Switzerland (Potential Future):** If UN peacekeeping missions require action, neutrality may need reevaluation.

4. When Economic or Cyber Warfare Escalates Beyond Control

- **Best for:** Countries facing severe economic or digital attacks that compromise stability.
- **When to Deactivate:**
  - If neutrality fails to protect critical infrastructure from cyberattacks.
  - If economic warfare, such as sanctions or blockades, forces a shift in alignment.
- **Examples:**
  - **Switzerland (2022):** Imposed sanctions on Russia, showing partial deactivation of neutrality.
  - **Ireland (Potential Future):** If cyber threats from a major power escalate, neutrality may be reconsidered.

5. When Public or Political Consensus Shifts

- **Best for:** Democracies where the population demands stronger action.
- **When to Deactivate:**
  - If public opinion strongly supports engagement rather than neutrality.
  - If neutrality conflicts with national identity or policy shifts.
- **Examples:**
  - **Sweden (2022):** Public support for NATO membership led to the abandonment of neutrality.
  - **Finland (2023):** A significant shift in public perception justified joining NATO.

Modern Considerations for Deactivating Neutrality in Conflict

- Hybrid and Cyber Warfare:

- If a country experiences severe cyberattacks, neutrality may not be sustainable.

- Nuclear or Biological Threats:

- If a conflict escalates to nuclear or biological warfare, neutrality may become irrelevant.

- Collective Security Commitments:

- If an alliance like the EU or UN requires military participation, neutrality might need to be abandoned.

Final Considerations: When Should Neutrality Be Deactivated?

- If the country is directly attacked → Neutrality is no longer viable.
- If neutrality is violated by a belligerent power → It loses credibility.

- If alliances or international law demand engagement → Obligations override neutrality.
- If economic or cyber warfare forces a response → Neutrality may need adjustment.
- If public or political will shifts strongly → Democratic legitimacy for neutrality is lost.

Conclusion

A future neutrality should be deactivated when it no longer serves its core purpose: ensuring security, sovereignty, and diplomatic stability. While neutrality can be a valuable strategic tool, there are moments when it must be abandoned in favor of active defense or collective security.

12-13 Independence from a State of War

A future concept of neutrality should be independent from a formal state of war under international law. In modern conflicts, war is no longer always declared formally, and the nature of warfare has evolved beyond traditional military confrontations. A flexible, adaptive neutrality that applies even in times of peace, hybrid conflicts, and economic warfare would be more relevant than one solely tied to the legal recognition of war.

Key Reasons Why Neutrality Should Be Independent from a Formal State of War

1. Modern Conflicts Do Not Always Involve Formal Declarations of War

- **Why It Matters:**
  - Most conflicts today (e.g., cyber warfare, proxy wars, economic coercion) occur without a formal state of war.
  - The last official declaration of war by a major power was in WWII—since then, conflicts have operated under vague legal definitions.
- **Examples:**
  - Russia's invasion of Ukraine (2022) was not officially declared a war by Russia, but it still required states to decide their neutrality stance.
  - U.S. wars in Iraq and Afghanistan were not formal wars under classic international law but still involved neutrality considerations.

2. Cyber and Economic Warfare Challenge Traditional Neutrality

- **Why It Matters:**
  - Neutrality in the future will not just mean staying out of wars—it will involve protecting against cyberattacks, financial manipulation, and hybrid warfare.

    - A country may remain militarily neutral but still be targeted by cyber or economic warfare.
- **Examples:**
    - Switzerland and EU states sanctioning Russia over Ukraine raises the question: Is economic action a violation of neutrality?
    - Cyberattacks on neutral states (e.g., attacks on Swiss financial institutions) could challenge their neutrality stance.

3. Hybrid Warfare and Proxy Conflicts Blur the Lines of War and Peace

- **Why It Matters:**
    - Modern conflicts often involve non-state actors, militias, private military groups, and cyber operations, making it difficult to apply neutrality only in times of "declared war."
- **Examples:**
    - Turkey's stance in the Russia-Ukraine war: It sells drones to Ukraine while maintaining diplomatic neutrality—this shows a partial neutrality approach.
    - Iran's role in Middle Eastern conflicts: It uses proxy groups instead of direct military force, making neutrality harder to define under international law.

4. Neutrality Should Also Apply in Political and Economic Crises

- **Why It Matters:**
    - Countries may need to invoke neutrality in economic or political disputes, not just military conflicts.
    - Global economic wars (e.g., U.S.-China trade tensions, Russian sanctions) require countries to take a stance.
- **Examples:**
    - Switzerland freezing Russian assets was a neutrality gray area—was it an act of war or just compliance with international norms?
    - Austria's energy dependence on Russia raises questions about how neutrality applies to economic coercion.

Implications for International Law and Neutrality

If neutrality remains tied only to formal wars, it may become obsolete. Instead, neutrality should evolve under international law to apply to:

1. Hybrid warfare (cyberattacks, digital espionage).
2. Economic conflicts (sanctions, trade restrictions).
3. Political neutrality (staying out of ideological conflicts).

4. Technological neutrality (not aligning with AI, space, or digital warfare powers).

Conclusion:
A future concept of neutrality must be independent from formal war under international law because modern warfare is no longer confined to declared conflicts. A broader neutrality framework should apply to cyber, economic, and political warfare, allowing neutral states to adapt to modern global tensions.

12-2 Territorial (Where)

A future concept of neutrality should extend beyond traditional territorial boundaries to include airspace, cyberspace, economic zones, and outer space. As warfare and global influence expand beyond land and sea, neutrality must evolve territorially to remain effective in modern conflicts.

Key Territorial Applications of Future Neutrality

1. Traditional Territorial Neutrality (Land, Airspace, and Territorial Waters)

- **Why It Matters:**
  - Classical neutrality applies to a state's land, airspace, and territorial waters.
  - Neutral states must not allow foreign military presence or war-related activities within their territory.
- **Modern Challenges:**
  - How should neutrality apply to military overflights, drone surveillance, and space-based operations?
- **Examples:**
  - Switzerland and Austria prohibit military bases and overflights by belligerents.
  - Ireland allows U.S. military planes to land in Shannon Airport despite being neutral, raising questions about enforcement.

- Future Concept: Neutral states should redefine rules on military transit, foreign intelligence operations, and airspace protection to adapt to modern warfare.

2. Exclusive Economic Zones (EEZs) and Maritime Neutrality

- **Why It Matters:**
  - EEZs (200 nautical miles from a country's coast) contain critical resources, trade routes, and military transit zones.

    - Future neutrality should regulate naval passage, undersea cables, and energy security.
- **Modern Challenges:**
    - How should neutral states handle submarine warfare, undersea spying, or energy conflicts in their EEZs?
- **Examples:**
    - Nord Stream pipeline sabotage (2022) affected European neutrality, as pipelines run through neutral and non-neutral states' EEZs.
    - Ireland’s EEZ contains critical undersea cables, which could be a target in geopolitical conflicts.

- Future Concept: Neutral states should expand neutrality protections to include undersea infrastructure and strategic maritime corridors.

3. Cyberspace and Digital Neutrality

- **Why It Matters:**
    - Cyberwarfare does not respect national borders—neutral states can be used as battlegrounds for digital attacks.
    - Future neutrality must protect digital infrastructure, financial networks, and cybersecurity policies.
- **Modern Challenges:**
    - Can a neutral state allow its servers or financial institutions to be used for sanctions evasion, cyberattacks, or espionage?
- **Examples:**
    - Switzerland’s banking system is targeted by cyberattacks due to its financial neutrality.
    - Neutral states face pressure to allow or block cyber activity from major powers (U.S., China, Russia).

- Future Concept: Neutrality must extend to cyberspace, preventing neutral states from becoming launch platforms for cyberwarfare, disinformation campaigns, or hacking groups.

4. Outer Space Neutrality

- **Why It Matters:**
    - Space is the next frontier for warfare, with satellites playing a key role in military surveillance, communication, and missile defense.
    - Future neutrality should determine whether neutral states can host or support military space operations.

- **Modern Challenges:**
    - Should neutral states allow foreign military satellites to use their ground stations?
    - Should neutrality apply to private space companies launching military satellites?
- **Examples:**
    - Switzerland and Austria have satellite infrastructure but do not participate in military space programs.
    - Elon Musk's Starlink is used in Ukraine's defense efforts, raising questions about neutrality in private space operations.

- Future Concept: Neutral states should define whether their territory can support military space operations or be used for satellite intelligence gathering.

5. Airspace and Drone Neutrality

- **Why It Matters:**
    - Modern airspace includes drones, hypersonic missiles, and surveillance aircraft that challenge traditional neutrality.
    - Neutral states need to regulate drone overflights, military aircraft passage, and intelligence operations.
- **Modern Challenges:**
    - How should neutral states handle foreign reconnaissance drones crossing their airspace?
    - Should neutral states allow military aircraft refueling or landing in emergencies?
- **Examples:**
    - Sweden allowed U.S. military aircraft to use its airspace before joining NATO, despite neutrality.
    - Switzerland strictly bans military overflights by warring states.

- Future Concept: Neutral states must regulate unmanned military drones, surveillance aircraft, and high-altitude reconnaissance to maintain air neutrality.

6. Economic and Financial Neutrality

- **Why It Matters:**
    - Global financial systems are increasingly weaponized through sanctions, asset freezes, and trade restrictions.
    - Neutral states must decide whether to participate in economic warfare or maintain financial neutrality.

- **Modern Challenges:**
    - Should neutral states allow sanctioned countries to use their banks or trade routes?
    - Should neutrality apply to economic partnerships and strategic commodities (e.g., energy, technology, rare minerals)?
- **Examples:**
    - Switzerland froze Russian assets after the Ukraine invasion, marking a shift from full economic neutrality.
    - Austria depends on Russian energy, making neutrality difficult in energy politics.

- Future Concept: Financial neutrality should regulate banking activities, trade policies, and economic warfare participation.

Conclusion: Where Should Future Neutrality Be Applied?

1 Core Areas (Traditional Neutrality)

- Land borders
- Territorial waters
- Airspace

2 Expanded Areas (Modern Challenges)

- Exclusive Economic Zones (EEZs)
- Cyberspace (servers, financial systems)
- Outer space (satellites, military ground stations)

3 Strategic Areas (New Frontiers)

- Economic and financial neutrality
- Drone and aerial surveillance neutrality
- Military overflight and logistics neutrality

Final Thought:

A future concept of neutrality must go beyond traditional land-based neutrality to include digital, economic, and space domains. As conflicts evolve, neutrality should adapt to new forms of warfare and territorial influence, ensuring that neutral states remain protected in the modern world.

12-3 Objective (What + How)

A future concept of neutrality must go beyond traditional military non-alignment and include cybersecurity, space, economic warfare, and hybrid threats. The objects (what neutrality applies to) and scope (how broad its application is) should evolve to reflect modern conflicts.

1. Objects of Future Neutrality (What Should It Cover?)

A. Traditional Military Neutrality (Land, Air, and Sea)

- What It Covers:

- No foreign military bases or troops on neutral territory.
- No participation in military alliances or war coalitions.
- Protection of airspace and territorial waters from belligerent use.

- Why It's Still Relevant:

- These principles maintain sovereignty and prevent military escalation.
- Example: Switzerland and Austria prohibit NATO or Russian military operations on their soil.

B. Cyber and Digital Neutrality

- What It Covers:

- Protection of cyberspace from use in cyberwarfare.
- Neutral digital infrastructure (internet servers, financial networks).
- Restrictions on hosting cyberwarfare units, hacking groups, or foreign intelligence operations.

- Why It's Needed:

- Cyberwarfare is now as impactful as traditional warfare.
- Example: Switzerland's banking system and data centers are prime targets for cyberattacks in global conflicts.

C. Economic and Financial Neutrality

- What It Covers:

- No economic sanctions unless required by international law (e.g., UN).
- No hosting of war-related financial transactions (e.g., funding for warring parties).
- Neutral trade policy (avoiding arms exports to belligerents).

- Why It's Needed:

- Economic tools like sanctions, asset freezes, and trade embargoes are now part of warfare.

- Example: Switzerland's decision to freeze Russian assets in 2022 blurred the lines of economic neutrality.

D. Space and Satellite Neutrality

- What It Covers:

- No participation in military satellite programs.
- No hosting of foreign military ground stations or tracking facilities.
- Protection of space assets from belligerent use.

- Why It's Needed:

- Space-based intelligence and communication are key to modern warfare.
- Example: Neutral states must decide whether to allow military use of their satellite networks.

E. Airspace and Drone Neutrality

- What It Covers:

- No military drone operations over neutral territory.
- No participation in aerial reconnaissance missions for warring states.
- No use of neutral airspace for military logistics.

- Why It's Needed:

- Drones are changing warfare, making airspace neutrality more difficult to enforce.
- Example: Switzerland and Austria must redefine neutrality in terms of drone surveillance and aerial cyberwarfare.

F. Humanitarian and Diplomatic Neutrality

- What It Covers:

- Impartial humanitarian assistance for all sides in a conflict.
- Neutral mediation and peacekeeping roles under international law.
- Non-participation in ideological conflicts or propaganda wars.

- Why It's Needed:

- Modern warfare often involves media influence, disinformation, and hybrid conflicts.
- Example: Switzerland's Geneva-based institutions are key diplomatic centers for conflict resolution.

2. Scope of Future Neutrality (How Should It Be Maintained?)

A. Strict Neutrality (Absolute Impartiality)

- No alliances, no participation in sanctions, no involvement in war efforts.
- Adheres to classical neutrality (like Switzerland historically).

- Most restrictive but hard to maintain in modern conflicts.

- Example: Switzerland's strict military neutrality, avoiding NATO and EU military coordination.

B. Selective Neutrality (Partial Impartiality)

- Maintains neutrality but applies it flexibly to different areas (e.g., military vs. economic neutrality).
- May join UN peacekeeping missions or participate in sanctions but avoid direct military involvement.

- Example: Austria, which is militarily neutral but participates in EU defense cooperation.

C. Adaptive Neutrality (Context-Based Neutrality)

- Allows neutrality to evolve depending on the type of conflict.
- Maintains impartiality in traditional warfare but may engage in cyber, space, or economic conflicts based on national interests.
- More practical but risks losing credibility as a neutral power.

- Example: Ireland is neutral in wars but allows U.S. military planes to use its airports.

Final Thought: A New Model of Future Neutrality

A future neutrality model should include:

- Military neutrality (land, air, sea, drones, space).
- Cyber neutrality (protection of digital space).
- Economic neutrality (no financial manipulation in conflicts).
- Diplomatic neutrality (impartial mediation and humanitarian work).

Impartiality?

- Yes, but adapted to modern conflicts.
- Selective neutrality may be needed in cyber, economic, and space warfare.
- Total neutrality may no longer be practical.

Conclusion:

A future neutrality should be broad in scope (military, cyber, economic, space) and adaptive in nature (context-based impartiality). It must evolve beyond classic neutrality to remain relevant in hybrid and digital warfare.

12-4 Subjective (Who)

In a future concept of neutrality, neutrality should not be limited to neutral states alone. Given the rise of cyber warfare, economic influence, and global corporate power, neutrality must extend to private citizens, companies, and even digital platforms to remain effective.

1. Who Should Be Expected to Be Neutral?

Category	Neutrality Expectations	Why It Matters?
Neutral States	Maintain military, economic, cyber, and diplomatic neutrality.	Traditional neutrality applies to government policies, military, and international relations.
Government Institutions	Ensure neutrality in foreign policy, trade, and defense.	Ministries, defense agencies, and regulatory bodies must uphold neutrality laws.
Private Citizens	Limited responsibility; cannot engage in direct military action but may have opinions or business interests.	Difficult to enforce full neutrality—citizens might support one side politically or financially.
Private Companies	Expected to remain neutral in military conflicts but may be pressured into taking sides (e.g., sanctions, arms trade).	Big tech, banks, and energy firms influence conflicts through financing, cyber operations, and supply chains.
Financial Institutions	Avoid funding war efforts but comply with international regulations.	Example: Swiss banks froze Russian assets, raising questions about economic neutrality.
Tech and Cyber Companies	Should not engage in cyberwarfare but may be forced into geopolitical conflicts.	Example: Elon Musk's Starlink supporting Ukraine—can private companies be neutral?
Media and Social Platforms	Ideally neutral, but often spread propaganda or influence public opinion.	Disinformation and cyber influence campaigns challenge neutrality.
Neutral NGOs and Humanitarian Groups	Expected to provide aid impartially.	Example: The Red Cross maintains strict neutrality in conflicts.

2. Should Private Citizens Be Neutral?

- No legal obligation for individuals to be neutral.
- Citizens can express opinions, donate to causes, or even join foreign conflicts as volunteers.
- Example: Some Americans joined Ukraine's foreign legion, while others supported Russia online—can neutrality apply here?

Conclusion: Neutrality should apply to government actions, not private individuals—but citizens' involvement may undermine national neutrality.

3. Should Private Companies Be Neutral?

- Yes, ideally—but global businesses are increasingly forced to take sides.
- Examples of business non-neutrality:
    - Tech companies restricting services: Google, Microsoft, and Apple pulled out of Russia in response to sanctions.
    - Banks freezing assets: Swiss banks restricted Russian oligarch accounts, challenging financial neutrality.
    - Arms manufacturers profiting from war: Some companies benefit from conflict, making corporate neutrality difficult.

Conclusion: Companies face economic and political pressures, making neutrality harder to maintain. They may be forced to choose sides due to sanctions, supply chain restrictions, or government mandates.

4. Should Social Media and Cyber Platforms Be Neutral?

- Ideally, yes—but neutrality is nearly impossible in modern information warfare.
- Examples of cyber and social media bias:
    - Twitter, Meta (Facebook), and YouTube blocked Russian state media during the Ukraine war.
    - Cyberattacks from hacktivist groups (e.g., Anonymous vs. Russia) complicate digital neutrality.

Conclusion: Social media neutrality is impossible—platforms are used for propaganda, cyberwarfare, and disinformation, making them active participants in modern conflicts.

5. Future Concept of Neutrality: Who Should Be Neutral?

Who?	Mandatory Neutrality?	Challenges
Government (State & Agencies)	Required to uphold neutrality.	Pressure from allies, economic constraints.
Military and Defense Institutions	Must remain neutral unless attacked.	Arms deals, intelligence sharing blur neutrality.
Citizens	Not legally required to be neutral.	Free speech, activism, foreign participation in wars.
Banks & Financial Institutions	Should be neutral, but often comply with sanctions.	Economic warfare affects financial neutrality.
Tech & AI Companies	Expected to be neutral but often take sides.	Tech is weaponized in modern conflicts.
Media & Social Platforms	Neutrality is difficult due to disinformation and propaganda.	Information warfare makes neutrality unrealistic.

Conclusion: Should Neutrality Be Limited to States?

- No. A future concept of neutrality must extend beyond states to include corporations, financial systems, digital platforms, and cyber infrastructure.
- Challenges remain: Private companies and individuals cannot be forced into neutrality, but their actions may still influence conflicts.

Final Thought:

A future neutrality model should require states, government agencies, and financial institutions to be neutral—but it must recognize that private companies, citizens, and digital platforms are increasingly shaping modern conflicts and cannot always remain impartial.

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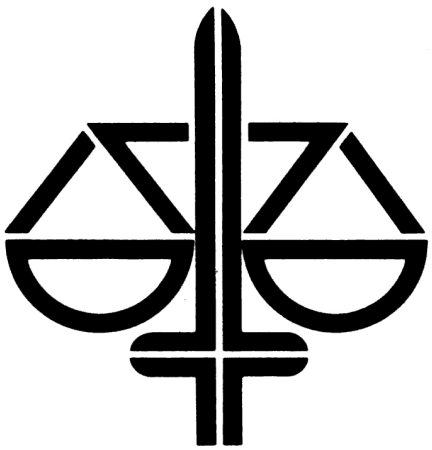
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The book **"Neutralitätsrecht"** explores the concept of neutrality in international law. The work is structured into three parts:

1. **Aspects of Current Neutrality Doctrine in International Law**:
    - Analyzes the essence of neutrality, its legal foundations, and its practical implications.
    - Discusses different forms of neutrality, such as temporary and permanent neutrality, and their recognition under international law.
2. **Analysis of Neutrality Doctrine**:
    - Examines the challenges and inconsistencies within the framework of neutrality in international law.
    - Investigates the historical development and evolving interpretations of neutrality, especially in the context of global conflicts.
3. **Neutrality Concepts de Lege Ferenda**:
    - Proposes future-oriented legal frameworks for neutrality.
    - Suggests new principles and structures to address modern international challenges while upholding neutrality.

The book aims to provide an in-depth legal analysis, identifying gaps and proposing solutions to refine the doctrine of neutrality. It uses historical examples and case studies to illustrate its points and proposes a comprehensive "Charter of Neutrality" as a modern legal instrument.

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